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Regulations

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

PART 726—FIRE-CURED AND DARK AIR- CURED TOBACCO

TERMINATION OF NATIONAL MARKETING QUOTA

Section 726.551 (c) of the document appearing on pages 12859-12860 of the September 22, 1943, issue of the *FEDERAL REGISTER* (F.R. Doc. No. 43-15396) should read:

§ 726.551 *Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1943.* * * *

(e) *Termination of national marketing quota.* The national marketing quota for dark air-cured tobacco is hereby terminated.

Done at Washington, D. C., this 14th day of October 1943.

GROVER B. HILL,
 First Assistant
 War Food Administrator.

[F. R. Doc. 43-16803; Filed, October 15, 1943; 11:47 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 79-46]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN GRAND RAPIDS, MICH., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.80 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or

manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term FDO 79 means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Grand Rapids, Michigan, metropolitan sales area, and is referred to hereinafter as the "sales area":

The cities of Grand Rapids, East Grand Rapids, and Grandville, and the townships of Grand Rapids, Walker, Wyoming, and Paris, all in Kent County, Michigan.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) milk: 100 percent; (ii) but-

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terfat in milk: ---- percent; (iii) cream: 75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot, or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 300 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., November 1, 1943.

Issued this 14th day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16772; Filed, October 14, 1943;
3:30 p. m.]

[FDO 79-47]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN INDIANAPOLIS, IND., METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.79 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Indianapolis, Indiana, metropolitan sales area, and is referred to hereinafter as the "sales area":

The city of Indianapolis and the townships of Center, Warren, Lawrence, Washington, Wayne, Decatur, Perry and that part of Franklin township comprising part of the city of Beech Grove, all in Marion County, Indiana.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) But-

terfat in milk: --- percent; (iii) Cream: 75 percent; (iv) Butterfat in cream: 75 percent; (v) Milk byproducts other than cottage, pot, or baker's cheese: 75 percent; and (vi) Cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided,* That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 300 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name,

address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been ap-

proved by the Bureau of the Budget in accordance with Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., e. w. t., November 1, 1943.

Issued this 14th day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16773; Filed, October 14, 1943;
3:30 p. m.]

[FDO 79-48]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN DES MOINES, IOWA, METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.81 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, milk byproducts, or cream for delivery.

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Des Moines, Iowa, metropolitan sales area, and is referred to hereinafter as the "sales area";

The city of Des Moines and the townships of Allen, Bloomfield, Delaware, Des Moines, Four Mile, Lee, Saylor, Valley, Walnut, Webster and that part of Jefferson township in Grimes town, all in Polk County, Iowa.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area.

(d) *Quota period.* The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as a quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler in the sales area in each quota period shall be calculated in terms of pounds of each of the items for which percentages are specified in (3) below and shall be determined as follows:

(1) Divide the total deliveries of each such item made in the sales area by such handler during the base period, after excluding the quota-exempt deliveries described in (i) hereof, by the number of days in the base period;

(2) Multiply the result of the foregoing calculation by the number of days in the quota period;

(3) Multiply the aforesaid resulting amount by the following applicable percentage: (i) Milk: 100 percent; (ii) Butterfat in milk: ----- percent; (iii) cream: 75 percent; (iv) butterfat in cream: 75 percent; (v) milk byproducts other than cottage, pot or baker's cheese: 75 percent; and (vi) cottage, pot, or baker's cheese: 75 percent of skim milk equivalent. (For the purpose of this order, one pound of cottage, pot, or baker's cheese shall be considered as the equivalent of 7 pounds of skim milk.)

(f) *Quota limitations.* No handler shall, during any quota period, make deliveries in the sales area in excess of his respective quotas, except as set out in (i) hereof: *Provided*, That a handler may, after application to and approval by the market agent, secure an increase in milk quotas through an equivalent reduction as determined by the market agent, in cream and milk byproducts quotas, and an increase in milk byproducts quota through an equivalent reduction as determined by the market agent, in cream quotas.

(g) *Quotas for handlers who are also producers.* Quotas for handlers who are also producers and who purchase no milk shall be 100 percent of the total production of such handlers in the base period.

(h) *Handler exemptions.* Quotas shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) milk, one quart of milk; (2) cream, one-half pint of cream; and (3) milk byproduct, one quart of skim milk, buttermilk, flavored milk drink, or other beverage containing more than 85 percent of skim milk, or one-half pound of cottage, pot, or baker's cheese.

(i) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, or cream from which no milk, milk byproducts, or cream is delivered in the sales area, and (3) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(j) *Transfers and apportionment of quotas.* The market agent is empowered to deduct an amount of base period deliveries to purchasers from the total of deliveries made by a handler or other person in the base period upon the application and a showing of unreasonable hardship by the handler making deliveries to such purchasers on the effective date of this order, and to add the amount of such deliveries to the total base period deliveries of the applicant handler. Denials of transfers or transfers granted by the market agent shall be reviewed by the Director upon application.

(k) *Petition for relief from hardships.* (1) Any person affected by FDO 79 or the

provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition, the market agent shall immediately investigate the representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition, or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(l) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handlers' quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (h) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(m) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(n) *Distribution schedules.* The distribution schedules, if any, to be followed by the handlers in making deliveries shall be made effective in the terms of approval by the Director of such schedules.

(o) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month an assessment of \$0.01 per hundredweight of each of milk, cream, skim milk, buttermilk, flavored milk drinks, beverages containing more than 85 percent of skim milk, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(p) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations, except in a case where a handler has made deliveries in a quota period in excess of a quota in an amount not to exceed 5 percent of such quota, and in the

succeeding quota period makes deliveries below that quota by at least the same percent.

(q) *Bureau of the Budget approval.* The record keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(r) This order shall take effect at 12:01 a. m., c. w. t., November 1, 1943.

Issued this 14th day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16774; Filed, October 14, 1943;
3:30 p. m.]

[FDO 79-43]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN EASTERN NEW
ENGLAND METROPOLITAN SALES AREA

Correction

In paragraph (b) of F. R. Doc. 43-16599 (page 13967, issue of Wednesday, October 13, 1943) Northbridge was omitted from the list of cities and towns in Worcester County, Massachusetts.

[FDO 85]

PART 1405—FRUITS AND VEGETABLES

GRAPEFRUIT GROWN IN CAMERON, HIDALGO,
OR WILLACY COUNTIES, TEX.

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of grapefruit and grapefruit products for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest, and to promote the national defense:

§ 1405.34 *Restrictions relative to handling and diversion of grapefruit—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "grapefruit" means any or all varieties of the citrus fruit, Citrus paradisi, grown in any of the counties of Cameron, Hidalgo, or Willacy, in the State of Texas.

(2) The term "white grapefruit" means (i) Marsh and other seedless varieties of grapefruit except pink seedless and ruby red seedless grapefruit, and (ii) Duncan and other seeded varieties of grapefruit except pink seeded and ruby red seeded grapefruit.

(3) The term "handler" means any person who handles grapefruit.

(4) The term "handle" means to prepare grapefruit for market and to place such grapefruit in the current of commerce from any point or points within any of the counties of Cameron, Hidalgo, and Willacy in the State of Texas to any point or points outside of said counties,

for consumption in fresh form or for sale for consumption in fresh form; but such term "handle" does not, however, include the operations of producing grapefruit or harvesting only or transportation, or delivery for transportation, from groves where produced to the place where grapefruit is prepared for market.

(5) The term "products" means all manufactured products of grapefruit, including but not limited to canned or bottled grapefruit juice, regardless of the strength thereof, whether concentrated, natural, or blended with other juices: *Provided*, That grapefruit juice preserved solely by refrigeration at a temperature of not less than 32° Fahrenheit shall not be deemed to constitute products as defined herein.

(6) The term "processor" means any person in the business of manufacturing products from grapefruit.

(7) The term "Director" means the Director of Food Distribution, War Food Administration.

(8) The term "governmental agency" means (i) the Armed Services of the United States; (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a food distribution regulation, is entitled to purchase grapefruit subject to this order.

(9) The term "Armed Services of the United States" means the Army, the Navy, the Marine Corps, or the Coast Guard of the United States.

(10) The term "advisory committee" or "committee" means the advisory committee appointed pursuant to (e) hereof.

(11) The term "grapefruit fit for human consumption or for processing into juice" means any lot of grapefruit which meets the requirements of U. S. No. 3 grade, or higher grades, as specified in the U. S. Standards for Citrus Fruits, effective July 12, 1943, issued by the United States Department of Agriculture.

(12) The term "season" means a twelve-month period beginning on August 1 of any year and ending on July 31 of the following calendar year, except that the first season shall begin on the effective date of this order.

(13) The term "marketing period" means any period of time for which the Director issues a regulation pursuant to (b) hereof.

(b) *Regulation of handling.* (1) From time to time, whenever the Director finds, from the recommendation of the advisory committee or from other available information, that to limit the quantity of white grapefruit which may be handled during any marketing period will tend to effectuate the purposes of this order, he shall specify such marketing period and shall fix such quantity of white grapefruit which may be handled during said marketing period, which quantity shall also be expressed as a

percentage of the total quantity of grapefruit handled by all handlers during the period from August 1, 1942, to July 31, 1943, inclusive. The quantity and the percentage so fixed may be increased by the Director at any time during such marketing period.

(2) Whenever the Director specifies a marketing period and fixes both the quantity of white grapefruit which may be handled during such marketing period and the percentage which such quantity bears to the total quantity of grapefruit handled by all handlers during the period from August 1, 1942, to July 31, 1943, inclusive, no handler may handle, during such marketing period specified by the Director, a quantity of white grapefruit in excess of the quantity arrived at by applying said percentage to the total quantity of grapefruit handled by such handler during the period from August 1, 1942, to July 31, 1943, inclusive.

(3) Any other provision of this order to the contrary notwithstanding, no regulation issued pursuant to (b) hereof shall be effective after January 1, 1944.

(c) *Regulation of diversion.* (1) Each handler who handles white grapefruit shall, during each calendar week specified by the Director, set aside for diversion a quantity of grapefruit equal to such percentage of white grapefruit handled by such handler during such calendar week, as the Director, upon the recommendation of the committee or on the basis of other available information, may, from time to time, order. The Director may, from time to time, issue orders stating the conditions and requirements which must be complied with by a handler, in setting aside grapefruit for diversion, in order to have such grapefruit constitute a credit on the respective handler's set-aside obligation pursuant hereto; and the Director may specify, in any such order, what shall constitute diversion of grapefruit pursuant hereto.

(2) Any handler, during any calendar week, may, if he is not to make up a deficiency, set aside, at his option, less than the quantity of grapefruit required pursuant to (c) (1) hereof upon condition that at least half of such quantity of grapefruit, so required to be set aside for diversion, is set aside and that the deficient quantity is set aside during the next calendar week in addition to the total quantity otherwise required to be set aside during such next calendar week. Grapefruit set aside during any calendar week shall be applied first to make up any deficiency carried over from the immediately preceding calendar week.

(3) Any handler may, during any calendar week, set aside, at his option, more than the quantity of grapefruit required to be set aside pursuant to (c) (1) hereof. Such excess quantity of grapefruit so set aside for diversion shall be accumulated as credit to be applied against quantities of grapefruit which would otherwise be required to be set aside in future calendar weeks: *Provided*, That any deficient quantity permitted under (c) (2) hereof shall first be deducted from such credit. The credit remaining unused at the end

of any season shall be cancelled at the end of such season.

(4) Grapefruit set aside pursuant to this order by any handler may, at any time, be diverted to any governmental agency or to any processor or may, at any time, be converted, by such handler, into products: *Provided*, That any such conversion into products shall be subject to all orders, heretofore or hereafter issued, restricting or regulating the manufacture or production of such products. The Director may, from time to time, specify what shall constitute the diversion of grapefruit to any governmental agency or to any processor pursuant hereto.

(5) If, upon the expiration of the period specified by the Director for holding such grapefruit, no governmental agency has contracted for or declared its intention to contract for any portion of the grapefruit set aside pursuant to (c) hereof, and if no processor has contracted for any portion thereof, such portion of the grapefruit set aside, as aforesaid, for which no governmental agency has declared its intention to contract or which has not been contracted for, as aforesaid, by a governmental agency or by a processor shall then be released from the restrictions of this order.

(6) Grapefruit set aside for diversion, pursuant to the requirements of this order, shall be grapefruit fit for human consumption or for processing into juice.

(d) *Restriction on processors.* No processor shall sell, consign, transport, ship, or, in any other way, place grapefruit which was at any time set aside for diversion, pursuant to the provisions of this order, in the current of commerce for consumption in fresh form or for sale for consumption in fresh form: *Provided*, That the aforesaid restriction shall not apply to grapefruit released pursuant to (c) (5) hereof.

(e) *Advisory committee.* The Director shall appoint an advisory committee consisting of seven members, and shall appoint an alternate for each member. Each such alternate shall act only in the event that the member for whom he is alternate is absent or unable to act. Three members and three alternates shall be appointed from growers of grapefruit who are not handlers or employees of handlers: *Provided*, That one member and one alternate shall be appointed from such growers who are affiliated with cooperative marketing associations of growers of grapefruit; and two members and their alternates shall be appointed from such growers who sell their grapefruit to persons who are cash buyers of grapefruit. Two members and two alternates shall be appointed from handlers: *Provided*, That one member and one alternate shall be appointed from officials or employees of cooperative marketing associations of growers of grapefruit, and one member and one alternate shall be appointed from officials or employees of persons who are cash buyers of grapefruit. Two members and two alternates shall be appointed from officials or employees of processors. Each member and each alternate shall at any time be subject to removal by the Director. Any person designated as a member or alternate shall qualify by filing a written acceptance with the Director within five days after being notified of

such selection. Insofar as they perform functions for the United States, the members and alternates of the advisory committee shall act under their respective appointments as collaborators without compensation from the United States. The advisory committee shall meet at the call of its chairman, at the call of a majority of the members thereof, or at the call of the Director. The advisory committee shall counsel with the Director and shall recommend to him such amendments to, or such changes in the administration of, this order, as it deems advisable. The advisory committee may further recommend to the Director the nature of the action to be taken with respect to petitions, filed in accordance with (k) hereof, for relief from hardship.

(f) *Contracts.* The provisions of this order and of any regulations or orders issued in pursuance hereof shall be observed without regard to contracts heretofore or hereafter entered into or any rights accrued or payments made thereunder.

(g) *Relevancy to Food Distribution Order No. 3, as amended, and Food Distribution Order No. 6.* The provisions of this order shall not be construed to abrogate, amend, modify, or suspend Food Distribution Order No. 3 (8 F.R. 255), as amended. The provisions of this order shall, however, supersede and prevail over the provisions of Food Distribution Order No. 6 (8 F.R. 511) and the Director's order pursuant thereto insofar as the provisions of Food Distribution Order No. 6 and said Director's orders pursuant thereto relate to grapefruit as defined herein.

(h) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of grapefruit or products of any person and to make such investigations, as may be necessary or appropriate, in the discretion of the Director, for the enforcement or administration of the provisions of this order.

(i) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the discretion of the Director, for the enforcement or administration of the provisions of this order.

(2) Every person subject to this order shall maintain, for at least two years or for such other period of time as the Director may designate, an accurate record of his transactions in grapefruit.

(3) The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(j) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(l) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using grapefruit or products, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the Regional Director, Food Distribution Administration, War Food Administration, Dallas, Texas, Ref. FD-85.

(n) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., October 15, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 14th day of October 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-16800; Filed, October 15, 1943; 11:45 a. m.]

[FDO 85-1]

PART 1405—FRUITS AND VEGETABLES

GRAPEFRUIT GROWN IN CAMERON, HIDALGO, OR WILLACY COUNTIES, TEX.

Pursuant to the authority vested in me by Food Distribution Order No. 85 (*supra*), issued on October 14, 1943, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1405.37 *Designation of marketing period and restriction on the handling of white grapefruit grown in the counties of Cameron, Hidalgo, or Willacy in the State of Texas—(a) Definitions.* When used herein, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) The term "order" means Food Distribution Order No. 85 (*supra*), issued by the War Food Administrator on October 14, 1943.

(2) Each term defined in the order shall, when used herein, have the same meaning as set forth in said order.

(3) The term "box" means a unit of measure equivalent to one and three-fifths (1 $\frac{3}{5}$) United States bushels of

grapefruit whether in bulk or in any container.

(b) *Designation of marketing period and restriction on handling.* The total quantity of white grapefruit which may be handled during the marketing period beginning with the effective date of this order and ending at 11:59 p. m., e. w. t., January 1, 1944, shall be 1,885,466 boxes of white grapefruit, which quantity is twenty percent (20%) of the total quantity of grapefruit handled by all handlers during the period from August 1, 1942, to July 31, 1943, inclusive.

(c) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., October 15, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 85, *supra*)

Issued this 14th day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16801; Filed, October 15, 1943;
11:48 a. m.]

[FDO 75-2, Amdt. 3]

PART 1410—LIVESTOCK AND MEATS

BEEF

Director Food Distribution Order No. 75-2, § 1410.18, as amended (8 F.R. 11325, 11890, 12504), is further amended to read as follows:

§ 1410.18 *Beef required to be set aside*—(a) *Definitions.* When used in this order:

(1) The term "armed services of the United States" means the Army, Navy, Marine Corps or Coast Guard of the United States, excluding, for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar organizations.

(2) Any term not specifically defined herein shall have the meaning ascribed thereto in Food Distribution Order No. 75 (8 F.R. 11119), or Director Food Distribution Order No. 75-1 (8 F.R. 11327).

(b) *Quantity; grade; processing.* Notwithstanding the provisions of Director Food Distribution Order No. 75.1, *supra*, and the provisions of the order of the Director issued on September 1, 1943 (8 F.R. 12122), partially suspending certain provisions of that order, no Class 1 slaughterer shall deliver meat unless he shall:

(1) Set aside, reserve, and hold for delivery to the armed services of the United States, the War Shipping Administration, and any person who, pursuant to a Food Distribution Regulation, is entitled to purchase food subject to this order:

(i) 45 percent of the conversion weight of each week's production of beef graded "U. S. Choice", "U. S. Good", and "U. S. Commercial", obtained from steers and heifers whose carcasses meet Army specifications for carcass beef or frozen boneless beef; and

(ii) In the form of carcass or frozen boneless beef meeting Army specifications, 45 percent of each week's production of beef graded "U. S. Utility" produced from steers and heifers whose car-

casses meet Army weight specifications; and

(2) Bone in accordance with Army specifications for frozen boneless beef not less than 80 percent of the beef set aside, reserved, and held in accordance with (b) (1) (i) hereof, and not less than 80 percent of the beef set aside, reserved, and held in accordance with (b) (1) (ii) hereof: *Provided, however,* That the Order Administrator may exempt, wholly or partially, any Class 1 slaughterer from this requirement upon a proper showing that said slaughterer (i) does not have adequate facilities for boning, or (ii) does not have, or is unable to obtain, sufficient personnel to bone said beef, or (iii) is unable to comply with this requirement for any reason which appears to the Order Administrator to warrant such exemption.

(c) *Storage; packaging.* Any beef set aside and reserved in accordance with the requirements of this order shall be stored in such manner as to maintain the quality thereof. Such beef shall be prepared and packaged in accordance with Army specifications for carcass beef or frozen boneless beef.

(d) *Credits allowed on deliveries.* Deliveries of beef of the class and grade required to be set aside may be credited against the requirements of (b) (1) or (b) (2) hereof, as follows:

(1) Carcass beef, not exceeding the amount authorized to be set aside as carcass beef under (b) (1) and (b) (2), delivered to any person or agency specified in (b) (1) hereof, may be credited against the requirements of (b) (1).

(2) Boneless beef delivered to any person or agency specified in (b) (1) hereof, may be credited against the set aside requirements of (b) (1) and the boning requirements of (b) (2).

(3) Any beef which is stamped by a representative of the United States Army and delivered to any processor for use in the fulfillment of a contract for boneless beef with any person or agency specified in (b) (1) hereof, may be credited against the set aside requirements of (b) (1) and the boning requirements of (b) (2) hereof.

No credit shall be allowed for such deliveries when made to processors unless within 10 days after delivery, the slaughterer obtains a certificate signed by the processor, acknowledging receipt of the meat by him and containing the following: The name and address of both parties; the date or dates of delivery; the contract number of the contract between the processor and the person or agency specified in (b) hereof; and a statement by the processor that the beef so delivered will be or has been used in the fulfillment of such contract. The slaughterer shall endorse on such certificate the conversion weight of such beef, and shall retain the certificate for delivery to the Director upon request. All statements contained in or accompanying such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false. (This record-keeping requirement has been approved by

the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(e) *Existing contracts.* The provisions of this order shall not be construed as reducing the amount of meat which any Class 1 slaughterer is required to offer or to deliver under any existing contract with the agencies named in (b) hereof, or with the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation), the United States Maritime Commission or the Veterans' Administration; but any meat required to be delivered after the effective date of this order to such agencies pursuant to pre-existing contracts other than those entered into with the Food Distribution Administration, War Food Administration, the United States Maritime Commission or the Veterans' Administration after June 11, 1943 may be used as a credit against the amount of meat required to be set aside or boned pursuant to the provisions of this order.

This amendment shall become effective at 12:01 a. m., e. w. t., October 18, 1943.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under Food Distribution Order No. 75-2, as amended, prior to the effective date of this amendment, all provisions of Food Distribution Order No. 75-2, as amended, in effect prior to this amendment shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 75, 8 F.R. 11119)

Issued this 14th day of October 1943.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 43-16802; Filed, October 15, 1943;
11:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Rev. Supp. Order 34,¹ Amdt. 1]

PACKING EXPENSES ON SALES TO PROCUREMENT AGENCIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

The definition of "total costs" contained in section 1 is amended to read as follows:

"Total costs" include the direct material costs, direct labor costs, factory overhead and other expenses actually incurred in performing the above described operations: *Provided,* That where such operations are performed for the seller or any such subcontractor by an independent contractor (not affiliated with the seller) who does not process or sell the commodity but only prepares it for

*Copies may be obtained from the Office of Price Administration.
¹ 8 F. R. 12404.

packing and/or packs it, the amount actually paid therefor to such independent contractor shall be considered to be "total costs" of such operations.

This Amendment No. 1 to Revised Supplementary Order No. 34 shall become effective October 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16789; Filed, October 14, 1943;
3:57 p. m.]

PART 1340—FUEL

[RPS 88, Amdt. 130]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.159 (c) (3) (xxxiii) is added to read as follows:

(xxxiii) *St. Louis, Missouri and East St. Louis, Illinois: Range oil.* The maximum tank wagon prices for range oil, stove oil or heater oil for the bulk plant points of St. Louis, Missouri and East St. Louis, Illinois, and the circuit points and rural territories served from such plant or plants shall be as follows:

	Cents per gallon
In quantities of less than 25 gallons.....	8.6
In quantities of as much as 25 gallons but less than 100 gallons.....	8.
In quantities of 100 gallons or over.....	7.6

This amendment shall become effective October 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16776; Filed, October 14, 1943;
3:57 p. m.]

PART 1340—FUEL

[MPR 137, Amdt. 37]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.91 (a) is amended to read as follows:

(a) A seller's maximum price for each grade of a petroleum product shall be:

(1) *March price.* The highest price charged to a purchaser of the same class by such seller during March 1942 for each grade of a petroleum product.

(2) *Competitor's maximum price.* If a seller did not sell a particular grade of a petroleum product at a retail estab-

lishment during March, the maximum price which may be charged under the other provisions of this regulation by his most closely competitive seller of the same class for a petroleum product of the same grade.

This amendment shall become effective October 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16775; Filed, October 14, 1943;
3:58 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[Rev. MPR 464]

PULPWOOD PRODUCED IN DESIGNATED STATES

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for pulpwood cut from the stump in the States of Maryland, Pennsylvania, West Virginia, Ohio, Kentucky, Indiana, Illinois and Missouri.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Executive Orders Nos. 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another government agency.

§ 1347.802 *Maximum prices for pulpwood produced in the states of Pennsylvania, Maryland, West Virginia, Ohio, Kentucky, Indiana, Illinois, and Missouri.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation No. 464 (Pulpwood Produced in the States of Pennsylvania, Maryland, West Virginia, Ohio, Kentucky, Indiana, Illinois, and Missouri) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.802 issued under (56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

REVISED MAXIMUM PRICE REGULATION NO. 464—PULPWOOD PRODUCED IN THE STATES OF PENNSYLVANIA, MARYLAND, WEST VIRGINIA, OHIO, KENTUCKY, INDIANA, ILLINOIS, AND MISSOURI

Sec.

1. Prohibitions.
2. Less than maximum prices.

§ 8 F.R. 12017.

Sec.

3. Adjustable pricing.
4. Evasion.
5. Records and reports.
6. Enforcement.
7. Petitions for amendment.
8. Definitions.
9. Dealers.
10. Culls.

Appendix A: Maximum prices for pulpwood cut from the stump in Zone I.

Appendix B: Maximum prices for pulpwood cut from the stump in Zone II.

Appendix C: Maximum prices for pulpwood cut from the stump in Zone III.

Appendix D: Maximum prices for pulpwood cut from the stump in Zone IV.

Appendix E: Maximum prices for pulpwood cut from the stump in Zone V.

Appendix F: Maximum prices for pulpwood cut from the stump in Zone VI.

SECTION 1. *Prohibitions.* (a) On and after October 14, 1943, in the continental limits of the United States, regardless of any contract, agreement, lease or other obligation, no person shall buy and no person shall sell, deliver or transfer pulpwood cut from the stump in the States of Pennsylvania, Maryland, West Virginia, Kentucky, Indiana, Illinois, and Missouri at prices in excess of the maximum prices set forth in the appropriate one of the following Appendices A-F hereof; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

(b) *Prohibited practices.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the dollars-and-cents price is as much a violation of this regulation as an outright over-ceiling price.

(c) *Specific prohibited practices.* The following are among the practices prohibited:

(1) In instances where banking charges are permissible under the terms of the relevant Appendix, paying a banking charge for wood not banked, or for wood banked without a request by the buyer, or banked unnecessarily at the buyer's request;

(2) Up-grading, up-scaling or allowing a greater net scale than the actual scale content of the logs or bolts;

(3) Increasing the price of logs or bolts by failing to make an effort in good faith to collect monetary or other advances such as trucks, tires, or other equipment to producers. Any advance whatsoever to a producer is to be considered as part of the price of the logs or bolts to be supplied by the producer.

SEC. 2. *Less than maximum prices.* Lower prices than those set forth in the appropriate one of the following Appendices A-F may be charged, demanded, paid, or offered.

SEC. 3. *Adjustable pricing.* Any person may offer or agree to adjust or fix prices to or at prices not in excess of the maximum prices in effect at the time of delivery.

SEC. 4. *Evasion.* The price limitations set forth in this revised Maximum Price Regulation No. 464 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to pulpwood cut in the states of Pennsylvania, Maryland, West Virginia, Ohio, Kentucky, Indiana, Illinois, and Missouri, alone or in con-

*Copies may be obtained from the Office of Price Administration.

§ 8 F.R. 3718, 11948, 11956, 12177, 12405, 12444, 12559, 13498.

junction with any other commodity or by way of commission, service, transportation, or other charge, discount, premium or other privilege, or by tying agreement or other understanding, or otherwise.

Sec. 5. Records and reports. (a) Every person making a purchase or sale of pulpwood, for which a maximum price is established by this regulation, shall make and shall preserve, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall be in effect, records of such purchases and sales in the same manner as were customarily kept by such person prior to the effective date of this regulation.

(b) Every person required to keep records by paragraph (a) of this section shall submit such reports as the Office of Price Administration, with the approval of the Bureau of the Budget, may from time to time require.

Sec. 5. Records and reports. (a) Every person making a purchase or sale of pulpwood, for which a maximum price is established by this regulation, shall make and shall preserve, for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall be in effect, records of such purchases and sales in the same manner as were customarily kept by such person prior to the effective date of this regulation.

(b) Every person required to keep records by paragraph (a) of this section shall submit such reports as the Office of Price Administration, with the approval of the Bureau of the Budget, may from time to time require.

Sec. 6. Enforcement and licensing—(a) Enforcement. Persons violating any provision of this Revised Maximum Price Regulation No. 464 are subject to the criminal penalties, civil enforcement actions and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) **Licensing.** The provisions of Licensing Order No. 1,¹ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license of one or more applicable price regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

Sec. 7. Petitions for amendment. (a) Persons seeking any amendment of this Revised Maximum Price Regulation No. 464 may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,² issued by the Office of Price Administration.

Sec. 8. Definitions. (a) When used in this Revised Maximum Price Regulation No. 464 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any government, or any of its political subdivisions, or any agency of the foregoing;

(10) "Dealer" means any person who sells to consumers pulpwood not cut or prepared by such person, but purchased by such person in the condition in which it is to be delivered to the consumer;

(11) "Banked wood" means wood which has been temporarily stored at a shipping point at the request of the buyer;

(12) "Sale" or "sold" includes sales and deliveries, and sales and contracts to sell pulpwood;

(13) "Zone I" includes the State of Pennsylvania;

(14) "Zone II" includes the State of Maryland and the Counties of Pendleton, Grant, Mineral, Hardy, Morgan, Hampshire, Berkeley, and Jefferson in West Virginia;

(15) "Zone III" includes West Virginia north of the Counties of Wayne, Lincoln, Boone, Raleigh, Fayette, and Greenbrier, except the Counties of Pendleton, Grant, Mineral, Hardy, Morgan, Hampshire, Berkeley, and Jefferson;

(16) "Zone IV" includes the Counties of Wayne, Lincoln, Boone, Raleigh, Fayette, and Greenbrier, and all of West Virginia south of said counties;

(17) "Zone V" includes Ohio, and that portion of Kentucky north of the Counties of Bullitt, Nelson, Washington, Mercer, Garrard, Madison, Estill, Lee, Owsley, Perry, Letcher, and Pike;

(18) "Zone VI" includes the Counties of Bullitt, Nelson, Washington, Mercer, Garrard, Madison, Estill, Lee, Owsley, Perry, Letcher, and Pike in Kentucky, and all of Kentucky south of said counties, and the States of Indiana, Illinois, and Missouri;

(19) "Point of shipment" means the point at which pulpwood is loaded on the vehicle by which it is to be delivered to the consumers mill.

Sec. 9. Dealers. (a) In the event that a consumer of pulpwood shall purchase pulpwood through a dealer as defined in section 8 (a) (10) hereof, such a consumer may pay such dealer not more than the maximum price established by the appropriate Appendix, plus a dealer's allowance not in excess of the allowance provided by the said appropriate Appendix.

(b) The maximum prices hereinafter established in Appendices A-F can in no case be augmented by more than one dealer's allowance for each cord. In no event shall a person receive a dealer's allowance or the proceeds of a dealer's allowance on pulpwood cut by him or by his own operations. In no event shall a person receive a dealer's allowance on the cut of another person pursuant to any contract, agreement, or understanding of any sort whatsoever between the two, whereby each is to sell, and charge an allowance on the wood cut by the other. In no event shall the dealer's allowance be split or divided with any other person. In addition to the price paid by the consumer a dealer may receive a dealer's allowance only from a consumer and only if the dealer fulfills all of the following requirements with respect to the transactions:

(i) Copies are kept of all contracts or settlement sheets in which a dealer's allowance is charged;

(ii) The sale is made by the dealer to the consumer;

(iii) The pulpwood sold by the dealer to the consumer has been completely prepared for delivery by a person other than the dealer;

(iv) The dealer guarantees the merchantable quality of the pulpwood and that the pulpwood is free from all liens and incumbrances;

(v) The dealer's allowance in such transaction is shown as a separate item on the settlement sheet. This settlement sheet must contain a statement that the dealer has had no part in the preparation, and that the charges are not in excess of those allowed by this Revised Maximum Price Regulation No. 464;

(vi) The dealer's allowance is not split or divided with any other person;

(vii) All pertinent provisions in this Revised Maximum Price Regulation No. 464 are strictly complied with.

Sec. 10. Culls. The maximum prices provided herein are for sound wood of standard quality. All trade practices and customs with respect to allowances for culls, for firekills, or for defective wood of any kind must be observed.

APPENDIX A.—MAXIMUM PRICES FOR PULPWOOD CUT FROM THE STUMP IN ZONE I

(a) (1) The maximum price per cord for pulpwood of all species cut from the stump in Zone I shall not exceed \$10.80 for rough wood and \$14.00 for peeled wood, f. o. b. cars.

(2) The maximum price per cord for wood delivered to a consumer's mill by or at the expense of the seller, shall not exceed \$14.00 for peeled wood and \$10.80 for rough wood, where the haul from the point of shipment to the consumers mill by the shortest available highway route is 25 miles or less. For deliveries over distances greater than 25 miles, by the shortest available highway route, prices shall be as follows:

Distance of haul in miles; price and condition of wood

Over 25 miles to 40 miles:

Rough wood, \$11.60.

Peeled wood, \$14.80.

Over 40 miles to 50 miles:

Rough wood, \$12.40.

Peeled wood, \$15.60.

Over 50 miles to 60 miles:

Rough wood, \$13.20.

Peeled wood, \$16.40.

Over 60 miles:

Rough wood, \$14.00.

Peeled wood, \$17.20.

(3) The maximum price per cord for pulpwood sold at points other than those mentioned in subparagraphs (1) and (2) above, shall be arrived at by deducting from the f. o. b. car price, an amount equal to the actual cost incurred by the buyer in transporting the wood to and loading it on the cars, if the wood is moved by rail, or, in the case of wood trucked to the mill, the actual cost of the trucking shall be deducted from the appropriate maximum price determined under subparagraph 2.

(b) **Dealers.** In the event that a consumer of pulpwood shall purchase pulpwood through a dealer as defined in section 8 (a) (10) hereof, such a consumer may pay such dealer not more than the maximum price hereinbefore established, plus a dealer's allowance not in excess of 80¢ per cord for rough wood, and \$1.20 per cord for peeled wood.

APPENDIX B.—MAXIMUM PRICES FOR PULPWOOD CUT FROM THE STUMP IN ZONE II

(a) (1) The maximum price per cord for pulpwood cut from the stump in Zone II shall not exceed \$9.60 for rough wood; and \$12.80 for peeled wood, f. o. b. cars, or banked down at a barge landing. Where pulpwood is loaded on a barge by or at the expense of the seller, an amount not in excess of \$1.00 per

¹ 8 F.R. 13240.

² 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806.

cord may be added to the maximum price at the landing. When pulpwood is delivered to a consumer by truck or similar vehicle, an amount not in excess of \$2.40 per cord may be added to the maximum price for wood delivered f. o. b. cars as hereinabove set forth.

(2) The maximum price per cord for pulpwood sold at points other than those mentioned in subparagraph (1) above, shall be arrived at by deducting from the maximum price established above, f. o. b. cars or at barge landing, an amount equal to the actual cost incurred by the buyer in transporting the wood to and loading the wood at the point of shipment actually used. In the case of wood trucked by the buyer to the mill, the actual costs of such trucking shall be deducted from the maximum price for wood delivered to the mill by or at the seller's expense.

(b) *Dealers.* In the event that a consumer of pulpwood shall purchase pulpwood through a dealer as defined in section 8 (a) (10) hereof, such a consumer may pay such dealer not more than the maximum price hereinbefore established, plus a dealer's allowance not in excess of 80¢ per cord for rough wood, and \$1.20 per cord for peeled wood.

APPENDIX C.—MAXIMUM PRICES FOR PULPWOOD CUT FROM THE STUMP IN ZONE III

(a) (1) The maximum price for pulpwood per cord cut from the stump in Zone III shall not exceed \$8.80 for rough wood, and \$12.00 for peeled wood, f. o. b. cars. When pulpwood is delivered to a consumer by truck or similar vehicle, an amount not in excess of \$2.40 per cord may be added to the maximum price for wood delivered f. o. b. cars as hereinbefore set forth.

(2) The maximum price per cord for pulpwood sold at points other than those mentioned in subparagraph (1) above, shall be arrived at by deducting from the maximum price established above, f. o. b. cars, an amount equal to the actual cost incurred by the buyer in transporting the wood to and loading the wood on freight cars, or, in the case of wood trucked to the mill by the buyer, by deducting from the maximum price delivered to the mill by the seller, an amount equal to the actual trucking cost incurred by the buyer.

(b) *Dealers.* In the event that a consumer of pulpwood shall purchase pulpwood through a dealer as defined in section 8 (a) (10) hereof, such a consumer may pay such dealer not more than the maximum price hereinbefore established, plus a dealer's allowance not in excess of 80¢ per cord for rough wood and \$1.20 per cord for peeled wood.

APPENDIX D.—MAXIMUM PRICES FOR PULPWOOD CUT FROM THE STUMP IN ZONE IV

(a) (1) Maximum prices per cord for pulpwood cut from the stump in Zone IV shall not exceed \$8.00 for rough wood and \$11.60 for peeled wood, f. o. b. cars. Where pulpwood is delivered to a consumer by truck or similar vehicle, by or at the expense of the seller, the maximum price shall be the f. o. b. car price stated above, plus or minus the same dollars-and-cents differential, if any, which the particular mill paid over or under its highest f. o. b. car price in the months of January and February 1943, for the same type of delivery of the same species and condition of pulpwood.

(2) The maximum price per cord for pulpwood sold at points other than those mentioned in subparagraph (1), shall be arrived at by deducting from the maximum price established above, f. o. b. cars, an amount equal to the actual cost incurred by the buyer in transporting the wood to and loading the wood on freight cars, or, in the case of wood trucked to the mill by the buyer, by deducting from the maximum price delivered to the mill by the seller, the actual trucking cost incurred by the buyer.

(b) *Dealers.* In the event that a consumer of pulpwood shall purchase pulpwood through a dealer as defined in section 8 (a) (10)

hereof, such a consumer may pay such dealer not more than the maximum price hereinbefore established, plus a dealer's allowance not in excess of 80¢ per cord for rough wood, and \$1.20 per cord for peeled wood.

APPENDIX E.—MAXIMUM PRICES FOR PULPWOOD CUT FROM THE STUMP IN ZONE V

(a) (1) Maximum prices per cord for pulpwood cut from the stump in Zone V shall not exceed \$7.60 for rough wood and \$10.80 for peeled wood, f. o. b. cars. When pulpwood is delivered to a consumer by truck or similar vehicle, an amount not in excess of \$2.00 per cord may be added to the maximum price for wood delivered f. o. b. cars as hereinbefore set forth.

(2) The maximum price per cord for pulpwood sold at points other than those mentioned in subparagraph (1) above, shall be arrived at by deducting from the maximum price established above, f. o. b. cars, an amount equal to the actual cost incurred by the buyer in transporting the wood to and loading the wood on freight cars, or, in the case of wood trucked to the mill by the buyer, by deducting from the maximum price delivered to the mill by the seller, an amount equal to the actual trucking cost incurred by the buyer.

(b) *Dealers.* In the event that a consumer of pulpwood shall purchase pulpwood through a dealer as defined in section 8 (a) (10) hereof, such a consumer may pay such dealer not more than the maximum price hereinbefore established plus a dealer's allowance not in excess of 80¢ per cord for rough wood, and 80¢ per cord for peeled wood.

APPENDIX F.—MAXIMUM PRICES FOR PULPWOOD CUT FROM THE STUMP IN ZONE VI

(a) (1) Maximum prices per cord for pulpwood cut from the stump in Zone VI shall not exceed the following, f. o. b. cars:

Rough Pine.....	\$6.80
Peeled Pine.....	9.50
Rough Hardwood.....	7.30
Peeled Hardwood.....	10.00

Where pulpwood is delivered to a consumer by truck or similar vehicle, by or at the expense of the seller, the maximum price shall be the f. o. b. car price stated above, plus or minus the same dollars and cents differential, if any, which the particular mill paid over or under its highest f. o. b. car price in the months of January and February 1943, for the same type of delivery of the same species and condition of pulpwood. Where pulpwood is banked at a rail siding at the buyer's request and is later loaded at the seller's expense on the railway car, an amount not in excess of 80¢ per cord may be added to the maximum price.

(2) The maximum price per cord for pulpwood sold at points other than those mentioned in subparagraph (1), shall be arrived at by deducting from the maximum price established above, f. o. b. cars, an amount equal to the actual cost incurred by the buyer in transporting the wood to and loading the wood on freight cars, or, in the case of wood trucked to the mill by the buyer, by deducting from the maximum price delivered to the mill by the seller, the actual trucking cost incurred by the buyer.

(b) *Dealers.* In the event that a consumer of pulpwood shall purchase pulpwood through a dealer as defined in section 8 (a) (10) hereof, such a consumer may pay such dealer not more than the maximum price hereinbefore established, plus a dealer's allowance not in excess of 50¢ per cord for both rough and peeled wood.

This regulation shall become effective October 14, 1943.

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16784; Filed, October 14, 1943; 3:59 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 150, Amdt. 3]

FINISHED RICE AND RICE MILLING BY-PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 150 is amended in the following respects:

1. Section 1 (a) is amended to read as follows:

(a) This regulation shall govern all sales and deliveries of finished rice except sales and deliveries at wholesale which shall be and remain subject to Maximum Price Regulation 421, as amended, and sales and deliveries at retail which shall be and remain subject to Maximum Price Regulations 422 and 423, as amended.

2. Section 5 (a) (6) is amended to read as follows:

(6) "Undermilled rice" means rice meeting the specifications for undermilled rice as now or hereafter set forth in the United States Standards published by the United States Department of Agriculture.

3. Section 5 (a) (7) is amended to read as follows:

(7) "Brown rice" means rice meeting the specifications for brown rice as now or hereafter set forth in the United States Standards published by the United States Department of Agriculture.

4. Section 6 is amended to read as follows:

SEC. 6. *Maximum prices for the sale or delivery of finished rice.* (a) The maximum prices for the sale or delivery of finished rice, f. o. b. the rice mill where processed, per 100 pounds, sacked or packed in containers furnished by the seller, by any person subject to this regulation shall be as follows:

(1) For finished rice consisting of not less than 96 per cent of whole kernels and not more than 4 per cent of broken kernels nor more than 1 per cent of a variety other than the predominant variety, the maximum price shall be as follows:

Variety	Maximum prices		
	Milled rice	Under-milled rice	Brown rice
Rexoro.....	\$8.25	\$7.40	\$6.75
Nira.....	8.25	7.40	6.75
Fortuna.....	7.50	6.80	6.20
Edith.....	7.00	6.50	6.00
Prelude.....	7.00	6.50	6.00
Calady.....	6.65	6.10	5.85
Blue Rose.....	6.50	6.10	5.85
Ark Rose.....	6.50	6.10	5.85
Southern Pearl.....	6.50	6.10	5.85
California Pearl.....	6.50	6.10	5.85
Lady Wright.....	6.50	6.10	5.75
Zenith.....	6.50	6.10	5.85
Early Prolife.....	6.20	5.70	5.40
Any other variety.....	6.20	5.70	5.40

*Copies may be obtained from the Office of Price Administration.

(2) For finished rice not covered by subparagraph (1) above, the maximum price shall be as follows:

(i) For milled rice broken kernels:

Class:	Maximum price
Second Head—Rexoro, Nira and Fortuna	\$6.00
Second Head—any other variety	5.25
Screenings	4.50
Brewers	4.00

(ii) For undermilled rice broken kernels, \$4.75.

(iii) For brown rice broken kernels, \$4.50.

(iv) For any lot of finished rice not hereinbefore provided for, the figure obtained:

(a) By multiplying the percentage of whole kernel finished rice in the lot by \$5.40 (or, at the option of the seller, by multiplying the percentage of each variety and kind of whole kernel rice in the lot by the maximum price for each such variety and kind respectively, as specified in subparagraph (1) above and totaling the results); and/or

(b) By multiplying the percentage of broken kernel finished rice in the lot by \$4.00 (or, at the option of the seller, by multiplying the percentage of each class or kind of broken kernels in the lot by the maximum price for each such class or kind of broken kernels respectively, as specified in subparagraph (2) above and totaling the results); and

(c) By totaling the results of (a) and (b) if the lot contains both whole kernel finished rice and broken kernel finished rice.

(3) For finished rice which has been granulated the maximum price shall be:

(i) Where the seller furnishes a certificate of a recognized grading service certifying to the variety or kind of finished rice in the lot before granulation, the maximum price for such variety or kind as above set forth plus an increase at the rate of 10 cents per 100 pounds.

(ii) Where no such certificate is furnished, \$4.00 per 100 pounds.

(4) The maximum prices specified in subparagraphs (1) to (3) above, both inclusive, may be increased for the sale or delivery of finished rice processed in any of the hereinafter named cities or the railroad switching limits thereof, f. o. b. such places, at the rate per 100 pounds as set forth opposite each such city, respectively:

City:	Amount of increase
San Francisco, Calif.	\$0.12
St. Louis, Mo.	.25
Memphis, Tenn.	.08
Baton Rouge, La.	.10
New Orleans, La.	.10

(5) The maximum prices specified in subparagraphs (1) to (4) above, both inclusive, shall be decreased at the rate of 15 cents per 100 pounds for the sale or delivery of finished rice in bulk or in 100 pound sacks or other containers furnished by the buyer.

(6) (i) The maximum prices specified in subparagraphs (1) to (4) above, both

inclusive, may be increased for the sale or delivery of milled or undermilled rice in containers of less than 100 pounds

furnished by the seller at the rate per 100 pounds as set forth in the following table:

Size of containers	Cartons or cellophane bags	Kraft bags or other containers
Up to and including 12 ozs.	\$1.65	\$0.90
From 12 ozs. up to and including 1 pound.	1.50	.90
From 1 pound up to and including 2 pounds.	1.35	.90
From 2 pounds up to and including 3 pounds.	1.20	.90
From 3 pounds up to and including 5 pounds.	.65	.65
From 5 pounds up to and including 10 pounds.	.50	.50
From 10 pounds up to and including 25 pounds.	.15	.15
From 25 pounds up to and including 50 pounds.	.10	.10

Where containers of less than 100 pounds are furnished by the buyer, the seller shall determine his maximum price by subtracting from the above differentials the cost of the containers furnished by the buyer.

(ii) The foregoing maximum prices for the sale or delivery of brown rice of a type specified in subparagraph (1) above may be increased for the sale or delivery thereof in containers of 1 pound or less furnished by the seller at the rate of \$2.30 per 100 pounds.

Where such containers are furnished by the buyer, the seller shall determine his maximum price by subtracting from the above differential the cost of the containers furnished by the buyer.

(iii) The foregoing maximum prices for the sale or delivery of brown rice of a type specified in subparagraph (1) above may be increased for the sale or delivery thereof for packing and resale by the buyer in containers of 1 pound or less at the rate of \$.65 per 100 pounds: *Provided*, That within 10 days of each such sale the seller delivers to the nearest district or state office of the Office of Price Administration a copy of the invoice of the sale showing the quantity sold, the price paid and the name and address of the buyer and seller together with a verified certificate signed by the buyer and stating that he will use the rice in question for packing and resale in containers of 1 pound or less.

This amendment shall become effective October 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16777; Filed, October 14, 1943; 3:58 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 479]

WET CORN MILLING BY-PRODUCTS FOR ANIMAL AND POULTRY FEEDS

In the judgment of the Price Administrator it is necessary and proper to establish uniform maximum prices for sales of certain corn products for animal consumption produced by the wet milling process at all levels of production and distribution.

Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

A statement of the considerations involved in the issuance of this regulation issued simultaneously herewith has been filed with the Division of the Federal Register.* In the judgment of the Price Administrator, the maximum prices established by this regulation are generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of E.O. 9250 and E.O. 9328. So far as practicable the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

§ 1351.367 *Maximum prices for certain corn products produced by the wet milling process for animal and poultry consumption.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250 and Executive Order 9328, Maximum Price Regulation 479, which is annexed hereto and made a part thereof is hereby issued.

AUTHORITY: § 1351.367 issued under Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 479—WET CORN MILLING BY-PRODUCTS FOR ANIMAL AND POULTRY FEEDS

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- Sec.
1. Geographical applicability.
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ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

3. Definitions.
4. Maximum price for sales by processors (except as a retailer or wholesaler) in carload quantities.
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11. Adjustable pricing.
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15. Protest and petitions for amendments.
16. Licensing.

*Copies may be obtained from the Office of Price Administration.

ARTICLE I—SCOPE OF THE REGULATION

SECTION 1. *Geographical applicability.* This regulation shall apply to all sales whether for immediate or future delivery, within the 48 states and the District of Columbia of the United States of wet corn milling by-products as herein defined.

SEC. 2. *Effect of maximum prices.* (a) While this regulation remains in effect, regardless of any contract or obligation, no person shall in the course of trade or business sell, deliver, buy or receive any of the products covered by this regulation at prices above the maximum prices established herein; nor shall any person agree, solicit, offer or attempt to do any of the foregoing.

(b) However, prices lower than the maximum prices established by this regulation may be charged and paid.

ARTICLE II—DEFINITIONS, MAXIMUM PRICES AND TERMS OF SALE

SEC. 3. *Definitions.* When used herein the following terms shall have the following meanings:

"Person" means an individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing; and includes the United States or any other government or political subdivision or agency of any of the foregoing.

"Processor" is a person who mills corn by a wet milling process and in that process produces wet corn milling by-products.

"Wet corn milling by-products" means those by-products of the milling of corn by the wet corn milling process which are used for feeding animals and poultry. These by-products include but are not limited to corn gluten feed, corn gluten meal, corn oil cake, and corn germ meal as each is defined in the 1943 issue of the Official Publication of the Association of American Feed Control Officials.

"Wholesaler" is a person who buys wet corn milling by-products, unloads them into a warehouse and resells same to a retailer or to a person who processes the same further. It includes a processor where he transports and unloads the corn products into a warehouse operated as a place of business separate from the producing plant and thereafter sells the same to a retailer or to a person who processes the same further.

"Retailer" is a person who buys wet corn milling by-products and resells the same to a feeder. It includes a miller where he transports and unloads the aforesaid products into a store operated as a place of business separate from the production plant and thereafter sells the same to a feeder.

"Feeder" is a person who feeds wet corn milling by-products to animals or poultry.

"Carload lot" means a quantity of 30 tons or more, or the rated capacity of the railroad car in which a given shipment is made.

"Less than carload lot" means any quantity less than 30 tons other than a

pool car lot. It includes truck quantities.

"Pool car lot" means a railroad car lot in which lots for two or more buyers are combined for the purpose of obtaining the carload rail freight rate.

Except as provided in section 4 (b), "Transportation charges" shall be computed at:

(i) The lowest common carrier rate (including the 3% tax provided for in section 620 of the Revenue Act of 1942, as amended) for the billing or shipment in question; or

(ii) If there is no such rate, the reasonable value of the service (including said 3% tax, if any) not exceeding any maximum price established therefor.

SEC. 4. *Maximum prices for sales by processors (except as a retailer or wholesaler) of domestic wet corn milling by-products.* (a) The maximum price for the sale of domestic wet corn milling by-products in carload lots or pool car lots, by a processor (except as a retailer or wholesaler) at the basing points of Chicago, Illinois, Kansas City, Missouri, and St. Louis, Missouri shall be:

Commodity:	Per ton
Gluten meal containing 41% protein or higher.....	\$45.00
Gluten feed containing 23% protein or higher.....	38.00
Corn oil cake.....	40.00
Corn oil meal.....	40.00
Corn germ meal.....	40.00
All other wet corn milling by-products.....	38.00

(b) The maximum price for the sale of domestic wet corn milling by-products in carload lots or pool car lots by a processor (except as a retailer or wholesaler) at any point other than a basing point shall be the lowest price obtained by adding to the appropriate maximum price above set forth transportation charges at the lowest applicable grain products or grain by-products reshipping rate from Chicago, Kansas City or St. Louis to the buyer's receiving point.

(c) The foregoing maximum prices shall be increased at the rate of \$1.00 per ton for the sale of domestic wet corn milling by-products in less than carload lots by a processor (except as a retailer or wholesaler).

SEC. 5. *Maximum prices for sales of domestic wet corn milling by-products by wholesalers.* The maximum price for the sale of domestic wet corn milling by-products by a wholesaler shall be \$2.50 per ton (maximum mark-up) over the maximum price which he could lawfully have paid the processor for the quantity and quality purchased (from the lot out of which the sale in question is made) delivered at his warehouse plus transportation charges actually incurred by the seller from said warehouse to the buyer's receiving point.

SEC. 6. *Maximum prices for sales of domestic wet corn milling by-products by retailers.* The maximum price for the sale of domestic wet corn milling by-products by a retailer shall be \$5.50 per ton, (maximum mark-up) over the maximum price which he could lawfully have paid the processor or wholesaler for

the quantity and quality purchased (from the lot out of which the sale in question is made) delivered at his receiving point plus transportation charges actually incurred by the seller from his receiving point to his buyer's receiving point.

SEC. 7. *Maximum prices for sales of imported wet corn milling by-products.*

(a) The basic maximum price for the sale (within the 48 states and the District of Columbia of the United States) of any imported wet corn milling by-products shall be the maximum price for a sale by a processor of a like quantity and quality of the domestic product; provided transportation charges may be added only from the port of entry to the buyer's receiving point.

(b) Wholesalers and retailers making sales (within the 48 states and the District of Columbia of the United States) of any such imported products shall add their respective permitted mark-ups and transportation charges to the basic maximum price established in paragraph (a) of this section.

(c) A mixed feed manufacturer in determining his maximum prices under Maximum Price Regulation No. 378 on his mixed feeds for animals and poultry shall calculate his "cost" of any such imported products at the maximum price thereof, as above provided as if he purchased the same within the 48 states and the District of Columbia of the United States; and if he did not, then at the maximum price thereof as specified in paragraph (a) of this section.

SEC. 8. *Maximum prices in other cases.*

(a) The maximum price for the sale of any wet corn milling by-products by any other person of a class of seller not hereinbefore specifically provided for shall be the maximum price which his seller could lawfully have charged for a like sale.

(b) Notwithstanding any other provision of this regulation sales between persons of one of the classes of sellers hereinbefore specifically provided for shall be permissible: *Provided*, That no such sale, nor sales to a person of a different class, shall be at a higher price than the maximum price hereinbefore prescribed for said class of sellers.

SEC. 9. *Increases for sacks.* (a) When sales of wet corn milling by-products are made in sacks, and the seller furnishes such sacks, the foregoing maximum prices determined on a bulk basis shall be increased, by the reasonable market value of the sacks not exceeding any maximum price thereon at the time of the sale or delivery.

SEC. 10. *Maximum prices for export sales.* The maximum price for export sales of wet corn milling by-products shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation.¹

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 11. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery but

¹ 8 F. R. 4132, 5987, 7662, 9998.

no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 12. *Evasion.* The provisions of this regulation shall not be evaded whether by direct or indirect methods in connection with any offer, solicitation, agreement, sale, delivery, purchase or receipt of any commodity covered by this regulation or in connection with any other commodity or by way of commission, service, transportation or other charge, or discount, premium or other privilege or by tying-agreement or other trade understanding or otherwise.

SEC. 13. *Records and reports.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of wet corn milling by-products after the effective date of this regulation.²

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.³

SEC. 14. *Enforcement.* Persons violating any provision of this regulation are subject to the license revocation of suspension provisions, civil enforcement actions, suits for treble damages and criminal penalties as provided in the Emergency Price Control Act of 1942, as amended.

SEC. 15. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provisions of this

²The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

³Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

regulation may do so in accordance with Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

SEC. 16. *Licensing.* The provisions of Licensing Order No. 1,⁴ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

This regulation shall become effective October 20, 1943.

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16778; Filed, October 14, 1943;
3:59 p. m.]

PART 1363—FEEDINGSTUFFS

[RPS 73,¹ Amdt. 4]

FISH MEAL AND FISH SCRAPS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1363.14 is amended to read as follows:

§ 1363.14 *Certificates and tags.* Whenever fish meal is sold, a certificate of analysis shall accompany the invoice of the sale except where sold in bags or other containers to which are attached a label or tag showing the guaranteed minimum percentage of protein therein. Where a label or tag is so attached to the bag or other container, the guaranteed minimum percentage of protein shown thereon shall govern.

*Copies may be obtained from the Office of Price Administration.

¹7 F.R. 2475, 2637, 8591, 8948; 8 F.R. 877, 9286.

⁴8 F.R. 13240.

This amendment shall become effective October 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16779; Filed, October 14, 1943;
3:58 p. m.]

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH PRODUCTS

[MPR 364,¹ Amdt. 6]

FROZEN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 364 is amended in the following respects:

1. Section 7 (c) is added to read as follows:

(c) Every processor shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, such records as he has which reflect his inventories as of September 1, 1943, and October 20, 1943, of frozen fish and seafood to which footnote 3 is attached in the table of base prices in section 14.

2. Section 7 (d) is added to read as follows:

(d) Every processor shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, such records as he has which reflect his inventories as of October 1, 1943, and October 20, 1943, of frozen fish and seafood to which footnote 4 is attached in the table of base prices in section 14.

3. In the table of base prices in section 14 the schedules and items listed below are amended as follows:

¹8 F.R. 4640, 5566, 7592, 11175, 12023, 12446, 12792.

Schedule No.	Name	Item No.	Style of Processing	Size	Base Price per pound
6	Cod—Atlantic (<i>Gadus callarias</i>).....	44	Fillets.....	All sizes.....	\$0.2734
7	Cusk (<i>Brosme brosme</i>) ¹	45	Sliced steaks.....	All sizes.....	.24
11	(a) Blackback (<i>Pseudopleuronectes americanus</i>) ¹	1	Fillets.....	All sizes.....	.26
		1	Round.....	All sizes.....	.1014
	(b) Dab (Sea) ¹	2	Fillets.....	All sizes.....	.3214
		1	Round.....	All sizes.....	.10
	(c) Dab (Yellowtail) (<i>Limanda ferruginea</i>) ¹	2	Fillets.....	All sizes.....	.3214
		1	Round.....	All sizes.....	.0914
	(e) Sole, gray (<i>Glyptocephalus cynoglossus</i>) ¹	2	Fillets.....	All sizes.....	.3214
		1	Round.....	All sizes.....	.13
	(f) Sole, lemon (<i>Pseudopleuronectes dignabilis</i>) ¹	2	Fillets.....	All sizes.....	.4114
		1	Round.....	All sizes.....	.15
	(g) Sole, Petrale—Pacific.....	2	Fillets.....	All sizes.....	.4814
13	Haddock (<i>Melanogrammus aeglefinus</i>) ¹	1	Fillets.....	All sizes.....	.30
		1	Gutted.....	2½ lbs. and over.....	.1214
		2	Gutted scrod.....	Under 2½ lbs.....	.12
		3	Fillets.....	All sizes.....	.2914
14	Hake—Atlantic (<i>Urophycis species</i>) ¹	1	Fillets.....	All sizes.....	.2414

Sched- ule No.	Name	Item No.	Style of Processing	Size	Base price per pound
15	Halibut (<i>Hippoglossus hippoglossus</i>)	1	Dressed	5 to 10 lbs.	.20 $\frac{1}{4}$
		2	Dressed	10 to 60 lbs.	.21 $\frac{1}{4}$
		3	Dressed	Over 60 lbs.	.20 $\frac{1}{4}$
		4	Steaks	All sizes	.30 $\frac{1}{4}$
		5	Fillets	All sizes	.31 $\frac{1}{4}$
16	Herring, Sea—Atlantic (<i>Clupea harengus</i>)	1	Round	All sizes	.04
		2	Fillets	All sizes	.11
17	Ling cod—Pacific (<i>Ophiodon elongatus</i>) ¹	1	Dressed	All sizes	.13 $\frac{1}{4}$
		2	Fillets	All sizes	.30
22	Pollock (<i>Pollachius virens</i>)	1	Dressed	All sizes	.09 $\frac{1}{4}$
		2	Fillets	All sizes	.16 $\frac{1}{4}$
25	Red Cod or Rock Cod—Pacific (<i>Sebastes</i> species)	1	Dressed	All sizes	.12 $\frac{1}{4}$
		2	Fillets	All sizes	.29
27	Rosefish (<i>Sebastes marinus</i>) ¹	1	Fillets	All sizes	.24 $\frac{1}{4}$
28	Sablefish (<i>Anoplopoma fimbria</i>)	1	Dressed	All sizes	.15 $\frac{1}{4}$
		2	Fillets	All sizes	.32
30	Salmon, Chinook or King—Pacific (<i>Oncorhynchus tshawytscha</i>): (a) Red Meated	1	Dressed	12 $\frac{1}{4}$ lbs. and over	.29 $\frac{1}{4}$
		2	Steaks	All sizes	.35 $\frac{1}{4}$
		3	Dressed	All sizes	.16 $\frac{1}{4}$
32	Salmon, Fall—Pacific (<i>Oncorhynchus keta</i>)	2	Steaks	All sizes	.23 $\frac{1}{4}$
		1	Dressed and skinned	All sizes	.12
40	Sole, Dover—Pacific	1	Fillets	All sizes	.29
		2	Chunks	All sizes	.27 $\frac{1}{4}$
		3	Fillets	All sizes	.32 $\frac{1}{4}$

4. In the table of base prices in section 14 the schedules and items listed below are added to read as follows:

Sched- ule No.	Name	Item No.	Style of Processing	Size	Base price per pound
11	(g) Sole, Petrale—Pacific	2	Round	All sizes	\$0.09 $\frac{1}{4}$
		3	Dressed	All sizes	.11 $\frac{1}{4}$
		4	Dressed and skinned	All sizes	.14 $\frac{1}{4}$
28	Sablefish (<i>Anoplopoma fimbria</i>)	3	Round	All sizes	.12 $\frac{1}{4}$
		4	Steaks	All sizes	.22 $\frac{1}{4}$
30	Salmon, Chinook or King—Pacific (<i>Oncorhynchus tshawytscha</i>): (a) Red Meated	3	Dressed	Under 12 $\frac{1}{4}$ lbs.	.25
		4	Drawn	14 lbs. and over	.26 $\frac{1}{4}$
		5	Drawn	Under 14 lbs.	.22 $\frac{1}{4}$
		6	Fillets	All sizes	.35 $\frac{1}{4}$
	(b) White Meated	1	Drawn	All sizes	.18
		2	Dressed	All sizes	.19 $\frac{1}{4}$
		3	Steaks	All sizes	.27 $\frac{1}{4}$
		4	Fillets	All sizes	.29
31A	Salmon, Silver (troll caught)—Pacific (<i>Oncorhynchus kisutch</i>)	1	Dressed	All sizes	.22 $\frac{1}{4}$
		2	Steaks	All sizes	.31
		3	Drawn	All sizes	.20 $\frac{1}{4}$
		4	Fillets	All sizes	.32
31B	Salmon, Silver (seine caught)—Pacific (<i>Oncorhynchus kisutch</i>)	1	Round	All sizes	.16 $\frac{1}{4}$
		2	Drawn	All sizes	.19
		3	Dressed	All sizes	.21 $\frac{1}{4}$
		4	Steaks	All sizes	.25
		5	Fillets	All sizes	.30
32	Salmon, Fall—Pacific (<i>Oncorhynchus keta</i>)	3	Round	All sizes	.12 $\frac{1}{4}$
		4	Drawn	All sizes	.14 $\frac{1}{4}$
		5	Fillets	All sizes	.23
40	Sole, Dover—Pacific	3	Round	All sizes	.08
		4	Dressed	All sizes	.09 $\frac{1}{4}$
40A	Sole, English—Pacific	1	Round	13 in. and over	.09
		2	Round	11 $\frac{1}{2}$ to 13 in.	.07 $\frac{1}{4}$
		3	Dressed	13 in. and over	.11
		4	Dressed	11 $\frac{1}{2}$ to 13 in.	.09
		5	Skinned	All sizes	.12 $\frac{1}{4}$
40B	Sole, Sand—Pacific	1	Fillets	All sizes	.28
		2	Round	All sizes	.08 $\frac{1}{4}$
		3	Dressed	All sizes	.10 $\frac{1}{4}$
		4	Skinned	All sizes	.13
40C	Sole, Turbot—Pacific	1	Fillets	All sizes	.28
		2	Round	All sizes	.08
		3	Dressed	All sizes	.09 $\frac{1}{4}$
		4	Skinned	All sizes	.12
61	Cod, true—Pacific (<i>Gadus macrocephalus</i>)	1	Fillets	All sizes	.30
		2	Round	All sizes	.10
		3	Dressed	All sizes	.12
62	Flounder—Pacific	1	Fillets	All sizes	.25
		2	Round	All sizes	.08
		3	Dressed	All sizes	.10
63	Salmon, Pink—Pacific (<i>Oncorhynchus gorbuscha</i>)	1	Fillets	All sizes	.29
		2	Round	All sizes	.09 $\frac{1}{4}$
		3	Drawn	All sizes	.10 $\frac{1}{4}$
		4	Dressed	All sizes	.12
		5	Fillets	All sizes	.18
64	Salmon, Sockeye—Pacific (<i>Oncorhynchus nerka</i>)	1	Round	All sizes	.21
		2	Dressed	All sizes	.27 $\frac{1}{4}$
65	Salmon, Chinook or King (seine caught)—Pacific (<i>Oncorhynchus tshawytscha</i>)	1	Round	All sizes	.19 $\frac{1}{4}$
		2	Dressed	All sizes	.24 $\frac{1}{4}$
66	Salmon, Steelhead—Pacific (<i>Salmo gairdneri</i>)	1	Round	All sizes	.14 $\frac{1}{4}$
		2	Dressed	All sizes	.18 $\frac{1}{4}$
67	Sole, Rex—Pacific	1	Round	All sizes	.05
		2	Dressed and skinned	All sizes	.12 $\frac{1}{4}$

5. In the table of base prices in section 14 Item No. 6 of Schedule No. 15, Item No. 3 of Schedule No. 16 and Schedule No. 31 are revoked.

6. Footnote 3 is added at the end of the table of base prices in Section 14 to read as follows:

³No processor shall sell any fish of this species and style at the prices listed until he shall have sold at or below the prices applicable to this item before October 20, 1943, an amount equal to that part of his 1943 inventory of that species and style which was frozen before September 1, 1943.

7. Footnote 4 is added at the end of the table of base prices in Section 14 to read as follows:

⁴No processor shall sell any fish of this species and style at the prices listed until he shall have sold at or below the prices applicable to this item before October 20, 1943, an amount equal to that part of his 1943 inventory of that species and style which was frozen before October 1, 1943.

This amendment shall become effective October 20, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

NOTE: The record keeping and reporting provisions of this amendment have been approved by the Bureau of the Budget according to the Federal Reports Act of 1942.

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16780; Filed, October 14, 1943; 4:00 p. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK SYNTHETIC AND ADMIXTURES

[MPR 478]

COATED AND COMBINED FABRICS

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

§ 1400.202 *Maximum prices for coated and combined fabrics, and the coating and combining of fabrics.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation 478 (Coated and Combined

*Copies may be obtained from the Office of Price Administration.

Fabrics), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1400.202 issued under Pub. Laws 421 and 729, 77th Cong.; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 478—COATED AND COMBINED FABRICS

ARTICLE I—SCOPE AND PROHIBITIONS OF THE REGULATION

Sec.

1. To what commodities, services, persons and geographical area this regulation applies.
2. Exclusions.
3. Relationship to other regulations.
4. Prohibition against dealing in fabrics or services at higher than maximum prices.
5. Less than maximum prices.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

6. Base periods.
7. Maximum manufacturers' prices for fabrics and services, which are the same as those dealt in by the manufacturer during the base period.
8. Maximum manufacturers' prices for fabrics and services which are not the same as those dealt in by the manufacturer during the base period.
9. Maximum wholesalers' prices.
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- Appendix B: Forms for applications for adjustment.

ARTICLE I—SCOPE AND PROHIBITIONS OF THE REGULATION

SECTION I. *To what commodities, services, persons, and geographical area this regulation applies—(a) Commodities.* Except for the specific exclusions contained in section 2, this regulation applies to all coated or combined fabrics. When used in this regulation the term:

(1) "Coated fabric" means any knitted or woven fabric coated with a continuous film (for example, rubber, synthetic rubber, pyroxylin, cellulose ester, cellulose ether, synthetic resin or oxidizable oil). The term "coated fabric" also includes oil cloth, book cloth and artificial leather made from non-woven fibrous products.

(2) "Combined fabric" means two or more fabrics joined together with an adhesive.

(3) "Knitted or woven fabric" includes knitted or woven fabrics composed of cotton, wool, silk, glass, synthetic fibers, or any mixture of such fibers.

(b) *Services.* Except for the specific exclusions contained in section 2, this

regulation applies to any service performed on a fabric owned by another which transforms the fabric into a coated or combined fabric.

(c) *Persons.* This regulation applies to any manufacturer or wholesaler of coated or combined fabrics. When used in this regulation the term:

(1) "Manufacturer" means any producer, converter, job coater or job combiner.

(2) "Producer" means any person who sells a coated or combined fabric on which he, himself, has performed the coating or combining service.

(3) "Converter" means any person who sells a coated or combined fabric on which a job coater or job combiner has performed the coating or combining service on his account.

(4) "Job coater" means any person who performs a coating service on a fabric owned by another.

(5) "Job combiner" means any person who combines, by means of an adhesive, two or more fabrics, one or more of which is owned by another.

(6) "Wholesaler" means a person, other than a manufacturer, who sells coated or combined fabrics to resellers of such fabrics or to an industrial or commercial user, the United States, any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(d) *Geographical area.* This regulation applies in the 48 States of the United States and in the District of Columbia, but not in the territories and possessions of the United States.

SEC. 2. *Exclusions—(a) Commodities.* This regulation does not apply to the following commodities:

(1) Surgical adhesive tape.

(2) Paraffin-coated fabrics used as a substitute for glass.

(3) Any fabric covered by Maximum Price Regulation No. 39¹ (Woven Decorative Fabrics) or Maximum Price Regulation No. 358² (Insulation Cambrics and Separator Cloth).

(4) Floor coverings or roofing materials.

(5) Sized, back-filled, water repellent treated, bleached, napped, dyed, printed, or mercerized fabrics (unless they are also coated).

(b) *Services.* This regulation does not apply to the following services:

(1) Processing services involved in sizing, back-filling or applying water repellent treatment to fabrics (unless as a part of the same service the fabric is also coated).

(2) Processing services involved in bleaching, napping, dyeing, printing or mercerizing fabrics.

(c) *Secret contracts.* This regulation does not apply to the sale, delivery or supply of any fabric or service sold or supplied pursuant to a contract or sub-

contract that is officially classified as "secret" and certified as such to the Office of Price Administration by the United States, the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any agency of any of the foregoing. Such certification shall set forth the date of the secret contract or subcontract and its number or other designation. The certifying government agency shall notify the seller or supplier and the Office of Price Administration whenever such contract or subcontract ceases to be secret. This exception shall not apply after the certifying government agency notifies the seller or supplier that such contract or subcontract has ceased to be secret.

(d) *Contracts certified as developmental by a governmental agency—(1) Exclusion.* If the seller or supplier files a report pursuant to subparagraph (2), the sale, delivery or supply by him of any fabric or service covered by this regulation and sold or supplied pursuant to a contract or subcontract certified in writing to the Office of Price Administration by the United States, the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any agency of any of the foregoing as being developmental shall not be subject to the provisions of this regulation. For the purposes of this subparagraph, a contract is deemed to be "developmental" during the period required for the selection of a product by the purchaser or for the accumulation of sufficient production experience by the manufacturer or supplier to permit a fair estimate of the manufacturing costs, or both. If the Office of Price Administration determines after consultation with the appropriate governmental agency that the period necessary for development has expired, and in writing so notifies such agency and the seller or supplier, this regulation shall apply to all subsequent sales, deliveries or supply of such fabric or service.

(2) *Report for developmental contracts.* Within ten days after entering into any such developmental contract or subcontract the seller or supplier shall file a report with the Office of Price Administration, Washington, D. C., containing a description of the fabrics or services which are the subject of the contract, a summary of the terms of the contract or subcontract, including all pricing provisions and an estimate of the expected duration of such developmental work. For any such contract or subcontract in effect on November 1, 1943, such report shall be filed prior to December 1, 1943.

¹ 7 F.R. 5243, 5512, 6774, 8946, 8948, 8 F.R. 7822.

² 8 F.R. 4481.

SEC. 3. Relationship to other regulations—(a) Regulations superseded. Except as otherwise provided by this regulation, this regulation supersedes any other regulation issued by the Office of Price Administration with respect to sales, deliveries or transfers covered by this regulation. Specifically, but not exclusively, the following regulations are superseded by this regulation: The General Maximum Price Regulation;³ Maximum Price Regulation No. 128⁴ (Processing Piece Goods); Maximum Price Regulation No. 157⁵ (Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes); and Maximum Price Regulation No. 220⁶ (Certain Rubber Commodities).

(b) *Applicability of the Second Revised Maximum Export Price Regulation.*⁷ The maximum price at which a person may make any export sales or sales to exporters of any coated or combined fabrics covered by this regulation shall be determined in accordance with the provisions of the Second Revised Maximum Export Price Regulation or any revisions thereto. When used in this paragraph the terms "export sale" and "exporter" have the meanings given to them by section 11 of the Second Revised Maximum Export Price Regulation.

SEC. 4. Prohibition against dealing in fabrics and services at higher than maximum prices. (a) On and after November 1, 1943, regardless of the terms of any contract or other obligation (except as provided in paragraph (c) of this section):

(1) No person shall sell or deliver any fabric or service covered by this regulation at a price higher than the maximum price permitted by this regulation.

(2) No person in the course of business shall buy or receive any fabric or service covered by this regulation at a price higher than the maximum price permitted by this regulation. If the purchaser receives from the seller or supplier a written statement that the price does not exceed the maximum price fixed by this regulation, the purchaser shall be deemed to have complied with this subparagraph.

(3) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited by subparagraphs (1) or (2).

(b) The provisions of paragraph (a) (2) of this section shall not be applicable to any war procurement agency or any contracting officer thereof, and with respect to purchases made in his official capacity, any such contracting officer or any paying finance officer shall be relieved of any and every liability, civil or criminal, imposed by this regulation or

by the Emergency Price Control Act of 1942, as amended.

(c) Nothing in this regulation shall be deemed to prohibit the fulfillment of any contract entered into before November 1, 1943, for the sale of any fabric, or the supplying of a service which does not involve the use of synthetic rubber, if the price under such contract was permissible under the maximum price regulation or price schedule which was applicable to the transaction on October 31, 1943.

SEC. 5. Less than maximum prices. Lower prices than those established by this regulation may be charged, demanded, paid or offered.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 6. Base periods—(a) Fabrics or services sold or supplied to a governmental agency or used in products covered by Maximum Price Regulation 403.⁸ April, 1943, is the base period for:

(1) Fabrics or services which are sold or supplied to the United States, the government of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or any agency of any of the foregoing; and

(2) Fabrics which are used in the production of a commodity covered by Maximum Price Regulation 403 (Certain Rubber Commodities Purchased for Governmental Use) and services rendered on such fabrics. If the seller or supplier is unable to determine whether a particular fabric will be used in the production of a commodity covered by Maximum Price Regulation No. 403, the fabric and services rendered thereon shall have March, 1942, as their base period.

(b) *Fabrics and services not covered by paragraph (a).* The base period for fabrics and services not covered by paragraph (a) of this section shall be March, 1942.

SEC. 7. Maximum manufacturers' prices for fabrics and services which are the same as those dealt in by the manufacturer during the base period—(a) Applicability of this section. This section is applicable to any fabric or service covered by this regulation which is the same as a fabric or service delivered or supplied or offered for delivery by the manufacturer during the base period. For the purposes of this section, the fabric or service being priced shall be deemed to be "the same as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the base period":

(1) If it is identical to a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the base period;

(2) If it differs from a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the base period, only by reason of the changes made necessary by the substitution of buna-S (GR-S) or butyl (GR-I) for natural rubber; or

(3) If it has the same use as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the base period, and if its factory costs do not differ from the factory costs of that fabric or service by more than 3 percent. The manufacturer shall determine the factory costs of both commodities or services in accordance with the provisions of paragraph (d) of the next section (section 8). This section is also applicable to a fabric or service which is the same as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the base period, except for a variation in size, coating compound, weight of coating, color, or a similar variant, for which the manufacturer had an established differential during the base period.

(b) *Maximum prices.* The maximum manufacturer's price of any fabric or service covered by this section shall be determined as follows: The manufacturer shall first determine the base price. This base price shall be determined in accordance with the next paragraph (c). The manufacturer shall then add to or subtract from the base price the differentials set forth in paragraphs (d), (e) and (f), below, wherever applicable. These differentials reflect the decreased cost of synthetic and substitute rubber, the increase or decrease in cost resulting from the purchase of materials from a war procurement agency, and the decrease in costs resulting from the removal of the federal excise tax on rubber products.

(c) *Base price.* The base price is the first applicable of the following prices:

(1) The highest price at which the manufacturer during the base period delivered, or if no delivery was made, at which he offered to deliver during that month a fabric or service, which is the same as the fabric or service being priced, to a purchaser of the same class.

(2) The highest price at which the manufacturer during the base period delivered, or if no delivery was made, at which he offered to deliver during that month a fabric or service, which is the same as the fabric or service being priced, except for a variation in size, coating compound, weight of coating, color, or other similar variant, adjusted to reflect the manufacturer's base period differential between the variations in the fabric or service. This price must also be adjusted to reflect the manufacturer's base period differentials between classes of purchasers.

(3) The highest price at which the manufacturer during the base period delivered, or if no delivery was made, at which he offered to deliver during that month a fabric or service, which is the same as the fabric or service being priced, to a purchaser of a different class adjusted to reflect the manufacturer's base

³ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 6047, 6962, 8511, 9025, 9991, 4848.

⁴ 7 F.R. 3117, 4659, 6615, 8948.

⁵ 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948; 8 F.R. 3948, 7507.

⁶ 7 F.R. 7282, 8936, 8948, 11111; 8 F.R. 1584, 2667, 4134, 3942, 5809, 6043, 7497, 9997, 10419, 10983.

⁷ 8 F.R. 4132, 5987, 7662, 9998.

⁸ 8 F.R. 7498, 8837, 10434.

period differential between the two classes of purchasers.

(d) *Differential for synthetic or substitute rubber*—(1) *Applicability*. This paragraph is applicable to all fabrics or services which contain the same type of synthetic or substitute rubber that they contained during the base period. However, this paragraph is applicable to such fabrics or services only if the price of the synthetic or substitute rubber contained in the fabric or involved in the supply of the service was lower on August 1, 1943, than it was on March 31, 1942, in the case of those fabrics or services whose base period is March, 1942, or on January 1, 1943, in the case of those fabrics or services whose base period is April, 1943.

(2) *Differential where the manufacturer compounds the synthetic or substitute rubber*. The differential for synthetic or substitute rubber which must be subtracted from the base price in the case where the manufacturer compounds the synthetic or substitute rubber contained in the fabric or involved in the supply of the service shall be determined as follows: The manufacturer shall first determine the amount of each type of synthetic or substitute rubber required to produce the fabric or supply the service. The manufacturer shall then multiply this amount by the difference between the price of the synthetic or substitute rubber in effect to him on August 1, 1943, and the price for that material in effect to him (i) on March 31, 1942, in the case of those fabrics or services whose base period is March, 1942, or (ii) on January 1, 1943, in the case of those fabrics or services whose base period is April, 1943. The resulting figure is the differential. If the manufacturer customarily sold several sizes, styles or compounds of the fabric at the same price to the same class of purchasers, he shall use the same differential for all sizes, styles or compounds that he sold at the same price to the same class of purchasers. This differential shall be calculated in the manner just set forth, except that in applying that method the manufacturer shall use the method he customarily used during the base period to arrive at a uniform price. If the manufacturer had no such customary method, he shall use as a basis for calculating the differential the size, style or compound of the fabric of which he sold the largest quantity during the period January 1, 1943, to July 1, 1943, inclusive.

(3) *Differential where the manufacturer does not compound the synthetic or substitute rubber*. The differential for synthetic or substitute rubber which must be subtracted from the base price in the case where the manufacturer did not compound the synthetic or substitute rubber contained in the fabric or involved in the supply of the service shall be determined as follows: The manufacturer shall first determine the price of the material purchased by him which contains synthetic or substitute rub-

ber in accordance with paragraph (d) (2) (i) of the next section (section 8). The manufacturer shall then deduct from that price the first price, not to exceed the applicable maximum price, at which the material or part containing the synthetic or substitute rubber was sold to him after October 31, 1943. The resulting figure is the differential.

(e) *Differential for fabrics or services involving the use of materials purchased from a war procurement agency*. The differential which must be added to or subtracted from the base price of any fabric or service which involves the use of any materials purchased from a war procurement agency shall be determined as follows: The manufacturer shall multiply the estimated quantity of the material required to produce the fabric or supply the service being priced by the difference between the price of the material which he used during the base period, determined in accordance with paragraph (d) (2) (i) of the next section (section 8) and the price he pays the war procurement agency for the material. When used in this paragraph the term "war procurement agency" means the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department, or any agency of any of the foregoing.

(f) *Deduction of the amount of the federal excise tax*. If during March, 1942, in the case of fabrics or services whose base period is March, 1942, the manufacturer did not bill the federal excise tax on rubber products separately, he shall deduct the amount of such tax from the price determined in accordance with the provisions of the above paragraphs (b) to (e), inclusive.

SEC. 8. *Maximum manufacturers' prices for fabrics and services which are not the same as those dealt in by the manufacturer during the base period*—

(a) *Applicability of this section*. This section is applicable to any fabric or service covered by this regulation which is not the same (as defined in paragraph (a) of section 7) as a fabric or service delivered or supplied or offered for delivery or supply by the manufacturer during the base period, and whose factory costs do not differ from the factory costs of the fabric or service with which it is being compared by more than 25 percent. Factory costs shall be determined in accordance with the provisions of paragraph (d) of this section. The fabric or service with which the fabric or service being priced shall be compared shall be selected in accordance with the provisions of paragraph (e) below.

(b) *How the manufacturer calculates his maximum price*. The maximum manufacturer's price of a fabric or service covered by this section shall be determined as follows:

(1) The manufacturer shall first determine the factory costs of the fabric or service being priced in accordance with paragraph (d) of this section.

(2) The manufacturer shall then select the fabric or service he must use in determining the maximum price of the fabric or service being priced. The method for selecting this fabric or service is explained in paragraph (e) of this section.

(3) The manufacturer shall then subtract the factory costs of that fabric or service from its maximum price. The maximum price shall be determined in accordance with section 7 and factory costs shall be determined in accordance with paragraph (d) of this section.

(4) The manufacturer shall then determine the maximum price of the fabric or service being priced by adding to its factory costs the amount obtained in the preceding subparagraph (3).

(c) *Recomputation of the maximum price*. If a fabric or service covered by this section is produced or supplied by the manufacturer for a period of 2 months without being modified, the maximum price of such fabric or service shall be redetermined according to the provisions of the preceding paragraph (b), except that actual labor hours and actual quantity of materials used in the production or supply of the fabric or service shall be substituted for estimated labor hours and estimated quantity of materials used. This adjustment in the maximum price of the fabric or service shall be made between 60 and 75 days after the manufacturer begins production or supply of the fabric or service.

(d) *Computation of factory costs*. The factory costs of a fabric or service for manufacturers, other than converters, shall be the sum total of direct labor costs, direct materials costs including waste, and factory overhead costs. The factory costs of a fabric for converters shall be the sum total of direct materials costs including waste, and the amount paid by the converter for the coating or combining services. The direct labor costs shall be determined by multiplying the estimated number of hours of each type of labor required in the manufacture or supply of the fabric or service by the wage rates determined in accordance with subparagraph (1) of this paragraph. The direct materials costs shall be determined by multiplying the estimated quantity of each type of material required in the manufacture or supply of the fabric or service by the materials prices determined in accordance with subparagraph (2) of this paragraph. Waste shall be determined by applying the same methods as were used or would have been used by the manufacturer in similar production during the base period, adjusted to reflect the actual quantity of waste in the production or supply of the fabric or service being priced. The charge for coating or combining services shall be the price charged the converter by the job coater or combiner, not to exceed the maximum price established by this regulation for such service. Factory overhead costs shall be determined in the manner set forth in subparagraph (3) of this paragraph.

(1) *Wage rates*—(i) *Fabrics and services with a March, 1942, base period.* The wage rates applicable to any fabric or service, for which the applicable base period is March, 1942, shall be the basic wage rates in effect in the manufacturer's plant during March, 1942, for each class of labor involved in the production or supply of the fabric or service. If such manufacturer did not employ a given class of labor during March, 1942, he shall use the wage rates paid during March, 1942, by the nearest employer operating under comparable conditions who employed that class of labor during that period.

(ii) *Fabrics and services with an April, 1943, base period.* The wage rates applicable to any fabric or service, for which the applicable base period is April 1943, shall be the wage rates in effect in the manufacturer's plant on October 3, 1942, for each class of labor involved in the production or supply of the fabric or service. If the manufacturer did not employ a given class of labor on October 3, 1942, he shall use the wage rate paid on October 3, 1942, by the nearest employer operating under comparable conditions who employed that class of labor on that date. If after October 3, 1942, and before May 1, 1943, the manufacturer voluntarily or involuntarily granted a wage increase, which was approved by the National War Labor Board, the manufacturer shall use that higher wage rate instead of the rate in effect in his plant on October 3, 1942. Also, if the manufacturer's establishment is exempted by the National War Labor Board, he shall use the wage rates in effect in his plant on April 30, 1943. For the purposes of this subparagraph, the wage rates in effect in the manufacturer's plant shall include an allowance for eight hours of overtime a week.

(2) *Materials prices*—(i) *All materials, except synthetic or substitute rubber.* Except as provided in subdivision (iii), this subdivision is applicable to any material, except synthetic or substitute rubber. The price for any material covered by this subdivision shall be the highest price in effect to the manufacturer, or if no price was in effect to the manufacturer, the highest price in effect to a purchaser of the same class, during the base period, or the maximum price set by the Office of Price Administration, whichever is the lower. If there was no price for the material in effect to the manufacturer or a purchaser of the same class during the base period, the price for the material shall be the first price at which the material was offered for sale to the manufacturer after the last day of the base period, or the maximum price set by the Office of Price Administration, whichever is the lower.

(ii) *Synthetic and substitute rubber.* This subdivision is applicable to any synthetic or substitute rubber. The price for such material shall be the highest price for the material in effect to the manufacturer, or, if no price was in effect to the manufacturer, the highest price in effect to a purchaser of the same class, on August 1, 1943, or the maximum price

set by the Office of Price Administration, whichever is the lower. If there was no price for the material in effect to the manufacturer or a purchaser of the same class on August 1, 1943, the price for the material shall be the first price at which the material was offered for sale to the manufacturer after August 1, 1943, or the maximum price set by the Office of Price Administration, whichever is the lower.

(iii) *Materials purchased from a war procurement agency.* The price for any material purchased from a war procurement agency shall be the actual cost of the material to the manufacturer. The term "war procurement agency" is defined in paragraph (e) of section 7.

(3) *Factory overhead costs.* Factory overhead costs shall be determined by using the methods and rates which were in effect in the manufacturer's plant during the base period, for operations similar to those employed in the manufacture or supply of the fabric or service being priced. It shall include only those costs which the manufacturer during the base period used in calculating factory overhead costs. In no case shall factory overhead costs include allowances for selling or administrative expenses.

(e) *Method of selecting the fabric or service to be used in determining the maximum price.* In determining the maximum price, the manufacturer shall use the first applicable of the following fabrics or services delivered or offered for delivery by him during the base period:

(1) The fabric or service which would be the same as the fabric or service being priced but for changes in specifications that have taken place since the last day of the base period.

(2) The fabric or service having the same use as the fabric or service being priced. If there is more than one such fabric or service, the manufacturer shall use that one of those fabrics or services whose factory costs are nearest to the factory costs of the fabric or service being priced. Factory costs shall be determined in accordance with the provisions of paragraph (d) of this section.

(3) The fabric manufactured or the service supplied by the same process as the fabric or service being priced. If there is more than one such fabric or service, the manufacturer shall use that one of those fabrics or services whose factory costs are nearest to the factory costs of the fabric or service being priced. Factory costs shall be determined in accordance with the provisions of paragraph (d) of this section.

(4) The fabric or service whose factory costs are nearest to the factory costs of the fabric or service being priced. Factory costs shall be determined in accordance with the provisions of paragraph (d) of this section.

(f) *Reports of maximum prices.* A report must be filed by the manufacturer for the first order of \$50 or more that he receives after October 31, 1943, for every fabric or service that must be priced under this section. This report shall be filed with the Office of Price Administration, Washington, D. C.,

within ten days after the manufacturer receives the first order of \$50 or more. The report shall contain the information required by the form set forth in Appendix A and shall be made on a copy of that form. The manufacturer may not accept payment for the fabric or service unless the price so reported has been approved in writing by the Office of Price Administration or unless fifteen days have elapsed after the mailing of the report without the Office of Price Administration objecting to the proposed maximum price. Within this fifteen day period the price so reported shall be subject to adjustment by the Office of Price Administration. Subsequent to this fifteen day period, such price shall be subject to adjustment (not to apply retroactively) at any time upon the written order of the Office of Price Administration.

SEC. 9. *Maximum wholesale prices*—

(a) *How the wholesaler determines the maximum price.* The maximum price for a sale at wholesale of any fabric covered by this regulation shall be determined by dividing the purchase price determined in accordance with the next paragraph (b) by the percentage determined in accordance with paragraph (c) below.

(b) *How the wholesaler determines his purchase price.* The purchase price which the wholesaler must use in determining the maximum price shall be determined as follows:

(1) The wholesaler shall first determine the net invoiced cost before cash discounts of the fabric, if available, not to exceed the applicable maximum price; or

(2) If actual cost is not available, the net invoiced cost before cash discounts of the fabric as estimated by the wholesaler's supplier: *Provided*, That the wholesaler has no reason to believe that the price so estimated exceeds the maximum price.

(3) If the cost determined under subparagraph (1) or (2) above is not on a delivered basis, the wholesaler shall add the actual cost of transportation to his place of business.

(c) *How the wholesaler determines the percentage which must be used in determining the maximum price.* The percentage which the wholesaler must use in determining the maximum price shall be determined as follows:

(1) The wholesaler shall first determine what fabric he must use in determining the percentage. That fabric shall be the first applicable of the following fabrics which he delivered or offered for delivery during the base period:

(i) The fabric which is the same as the fabric being priced.

(ii) The fabric which has the same use as the fabric being priced. If there is more than one fabric which has the same use as the fabric being priced, the wholesaler shall use that one of those fabrics whose purchase price is nearest to the purchase price of the fabric being priced. The purchase price of both fabrics shall

be determined in accordance with paragraph (b) of this section.

(iii) The fabric whose purchase price is the nearest to the purchase price of the fabric being priced. The purchase price of both fabrics shall be determined in accordance with paragraph (b) of this section.

(2) The wholesaler shall then determine the highest price at which he, during the base period delivered, or if no delivery was made, at which he offered to deliver that fabric during the base period to a purchaser of the same class.

(3) The wholesaler shall then determine the percentage by dividing the purchase price in effect to him on the date on which he established that selling price by the selling price. The purchase price shall be determined in accordance with paragraph (b) of this section.

SEC. 10. *Maximum prices for sales or supply of fabrics or services covered by this regulation that cannot be priced under sections 7, 8 or 9*—(a) *Maximum price.* The maximum price for any fabric or service which cannot be priced under sections 7, 8 or 9 of this regulation shall be a price, in line with the level of maximum prices established by this regulation, specifically authorized by the Office of Price Administration.

(b) *Method of establishing a maximum price.* The seller of any fabric or service covered by this section shall file an application for a maximum price with the Office of Price Administration in Washington, D. C., prior to first offering the fabric or service for sale, or on or before November 15, 1943, whichever is the later date. This application shall contain:

(1) A description in detail of the fabric or service (including the manufacturing processes).

(2) A statement of the facts which make it necessary to price the fabric or service under this section.

(3) If the seller is a manufacturer, he shall submit detailed cost estimate sheets for the fabric or service, following the seller's usual accounting procedures, using (i) costs, methods and rates in effect on the date of application, and (ii) if he was in production during the base period, costs, methods and rates in effect during that period. If the seller is a wholesaler, he shall submit the cost of the fabric to him, plus the actual cost of transportation, if any.

(4) A proposed pricing method and the price for the fabric or service determined in accordance with this method, and

(5) A statement of the reasons why the seller believes that the use of this method will result in prices in line with the level of maximum prices established by this regulation.

After receipt of this application, the Office of Price Administration will establish in writing a maximum price or a method of determining the maximum price for some or all of the fabrics or services covered by this regulation and sold by the applicant, which cannot be priced under sections 7, 8 or 9. The applicant shall not receive payment for

such fabric or service until he receives this authorization.

SEC. 11. *Fractions of a cent.* Notwithstanding any other provisions of this regulation, maximum prices determined under this regulation shall be adjusted to the nearest fraction of a cent that the manufacturer or wholesaler customarily used during the base period in pricing fabrics or services in the same line.

SEC. 12. *Federal and state taxes.* Any tax upon, or incident to the sale, delivery or processing of fabrics, or the supplying of services, imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof shall be treated as follows in determining the seller's maximum price for the fabric or service: If the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased. The tax on the transportation of all property imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any fabric or service, be treated as though it were an increase of 3% in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated as a tax for which a charge may be made in addition to the maximum price.

SEC. 13. *Terms and conditions of sale*—

(a) *Discounts and allowances.* Except for such changes as result from the application of the pricing methods contained in sections 7, 8 or 9 no seller shall change the allowances, discounts or other price differentials which he had in effect during the base period, for the same or similar fabrics or services, unless such change results in a lower net price.

(b) *Transportation charges.* No seller shall require any purchaser, and no purchaser is permitted, to pay a larger proportion of the transportation costs incurred in the delivery of fabrics or the supplying of services than the seller required purchasers of the same class to pay on deliveries of the same or similar fabrics or services during the base period.

(c) *Credit charges.* Charges for the extension of credit may be added to the maximum prices established by the regulation if: (1) The seller during the base period required payment of a separately stated additional charge for the extension of credit by purchasers of the same class on sales or supply of fabrics or services; (2) the amount charged for the extension of credit is not in excess of the charge in effect during the base period for the extension of credit involving the same amount and term on sales or supply of fabrics or services; and (3) such charges are quoted and billed separately.

No seller may require as a condition of sale that the purchaser must buy on credit.

SEC. 14. *Transfers of business or stock in trade.* If the business, assets or stock in trade are sold or otherwise transferred after March 31, 1942, and the transferee carries on the business, or continues to deal in the same type of fabrics or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this regulation.

ARTICLE III—MISCELLANEOUS

SEC. 15. *Applications for adjustment*—(a) *Application by a seller of fabrics*—

(1) *Who may receive an adjustment.* The maximum price for fabrics established by this regulation may be adjusted only in the case of an essential supplier of an essential fabric. An "essential fabric" is one which contributes to the effective prosecution of the war. An "essential supplier" is one whose output or supply of the fabric cannot be reasonably expected to be replaced at prices lower than the proposed adjusted maximum price. In addition, any person who has entered into or proposes to enter into a war contract (as defined in subparagraph (5) or a subcontract thereunder is an essential supplier of an essential fabric.

(2) *When adjustment may be granted*—(i) *In general.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may adjust the maximum price in the case of an essential supplier of an essential fabric upon the basis of information submitted by the supplier or of other information. It may make that adjustment whenever it finds that the maximum price of a fabric is at such a level that (taking into account the costs thereof, the profits position of the supplier and the nature of his business) production or supply of the fabric is impeded or threatened and that the adjustment would not cause an increase in the cost of living.

(ii) *Factors which may be considered.* (a) The following factors are relevant to the consideration of whether production or supply of the fabric is impeded or threatened:

(1) Whether, and by what amount, the maximum price is below or above (i) the total unit costs, less selling and administrative expenses properly allocable to the internal management of the business in the case of a manufacturer and (ii) the current price being charged the seller in the case of any other seller.

(2) Whether, and by what amount, the maximum price is above total unit costs.

(3) Whether, and by what amount, the seller's current over-all profits, before income and excess profit taxes, are greater or less than his average over-all profits during the normal base period, increased by 7% of the additional capital investment contributed entirely by the seller, or its stockholders, since the normal base period. Capital investment will be construed as including accumulated profits.

(4) Whether the proposed price is higher than the price prevailing in the industry.

(5) Whether the seller's sales of the fabric represent only a very small part of his total sales.

(6) Whether the seller previously sold the same type of fabric at a price which was below its total unit costs.

(b) The following factors are relevant to consideration of whether the adjustment would cause an increase in the cost of living:

(1) Whether the fabric or a commodity produced therefrom is of a type sold to civilian consumers other than industrial consumers.

(2) If such is the case, whether the increase in price allowed by the adjustment would be absorbed prior to sale to a non-industrial consumer.

(3) Whether, if the applicant did not produce or supply the fabric, his output or supply would be replaced by the same or a substitute fabric only at prices equal to or higher than the proposed adjusted maximum price.

(3) *How the seller proceeds in applying for an adjustment.*—(i) *In general.* An application for adjustment under this paragraph (a) shall be filed in accordance with Revised Procedural Regulation No. 1, and shall be made on a copy of Form OPA 696-515 set out in paragraph (a) of Appendix B. If the seller's total sales of all fabrics and services in the calendar year 1942, or in the fiscal year ending in 1942, exceeded \$500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the seller's total sales of all fabrics and services during that period did not exceed \$500,000, the application shall be filed with the regional office of the Office of Price Administration located in the same region in which the seller's business is located.

(ii) *Application based on proposed wage or salary increase to be authorized by the National War Labor Board.* A seller who believes that the conditions for an adjustment set forth in this paragraph (a) would exist if the National War Labor Board should grant a pending application for wage or salary increase may file an application for adjustment under this paragraph. Applications for adjustment of maximum prices based on wage or salary increases requiring the approval of the National War Labor Board must also comply with Supplementary Order No. 28, which requires, among other things, that an application for adjustment in such case be filed within 15 days after an application for a wage or salary adjustment has been

filed with the National War Labor Board, or, in a disputed wage proceeding, within 15 days after the employer receives notification that the National War Labor Board has taken jurisdiction of the dispute.

(4) *Prices for deliveries made pending disposition of the application.* A seller who has filed an application under this paragraph (a) may contract or agree that deliveries made during the pendency of the application shall be at a specific price which is higher than the existing maximum price which the seller wants to have adjusted. But no payment in excess of that existing maximum price may be received until the application is finally disposed of, and at that time the price received may not exceed the maximum price as determined by the Office of Price Administration.

A seller who wishes to enter into such arrangement must specifically state to the buyer the following:

(i) The maximum price for the fabric;

(ii) The fact that an appropriate application for an adjustment of that maximum price has been filed with the Office of Price Administration; and

(iii) The fact that the specific price quoted by the seller is subject to the approval of the Office of Price Administration.

(5) *Definitions.*—(i) *Normal base period.* The term "normal base period" means the period 1936-1939. If the applicant shall demonstrate to the satisfaction of the Office of Price Administration either (a) that his entire industry was operating during the greater part of such period at an unusually depressed level or (b) that because of unusual conditions prevailing during that period, the seller was operating during that period at an unusually depressed level in comparison to other sellers in the industry, and in addition that some other period prior to January 1, 1941, represents a proper "normal base period" such other period may be considered. The mere fact that the rate of production or supply has increased since 1936-1939 will not be deemed evidence that the seller was operating at an "unusually depressed level" during that period. If the seller was not in business prior to January 1, 1941, he shall state that fact in his application.

(ii) *Over-all profits.* The term "over-all profits" means net profit resulting from the operation of all divisions of the seller, before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes. In the case of a subsidiary wholly owned by a parent corporation, the term "over-all profits" means the consolidated net profit before the creation of any reserves, except ordinary reserves for depreciation and bad debts, and before income and excess profit taxes.

(iii) *Subcontract.* The term "subcontract" means any purchase order or agreement to perform all or any part of the work, or to make or furnish any commodity required for the performance of another contract or subcontract.

(iv) *Total unit costs.* (a) In the case of a manufacturer, the term "total unit costs" means the direct unit cost of labor, materials, and subcontracted services,

plus a proportion of factory overhead, administrative and other expenses, based on actual operating experience, properly allocable to the production of the fabric, but does not include provisions for income or excess profit taxes. In evaluating total unit costs, the Office of Price Administration will determine whether the allocation of factory overhead, administrative and other expenses is based on a representative period of continuous, normal production.

(b) In the case of a seller, other than a manufacturer, "total unit costs" means the current price the seller is paying for the fabric plus the handling and administrative expense, normally applicable to the handling of the fabric, properly allocable to the supplier's total cost of doing business, but does not include provisions for income or excess profits taxes.

(v) *War contract.* The term "war contract" means any contract with the United States, or any agency thereof, or with the government, or any agency thereof, of any country whose defense the President deems vital to the defense of the United States, under the terms of the Lend-Lease Act, for the sale of any fabric purchased (a) for the ultimate use of the armed forces of the United States or for lend-lease purposes, or (b) by any government (or agency thereof) of any country whose defense the President deems vital to the defense of the United States under the terms of the Lend-Lease Act, or (c) for use in the production or manufacture of any fabric described in (a) or (b).

(b) *Application by a supplier of coating or combining services.* Paragraph (a) applies, insofar as practicable, to adjustments of the maximum price of suppliers of coating or combining services and to applications for such adjustments. However, the application for adjustment shall be made on a copy of Form OPA 696-516 set out in paragraph (b) of Appendix B.

(c) *Application by a seller of a fabric or a supplier of a service based upon an appropriate decrease of other prices.*

(1) *Who may receive an adjustment under this paragraph.* Adjustments under this paragraph will be granted only in the case of an essential supplier of an essential fabric or service. The meaning of these terms is explained in paragraph (a) (1) of this section.

(2) *When adjustment may be granted.* The Office of Price Administration, any regional office, or such other offices as may be authorized by order issued by the appropriate regional office, may make an adjustment of the maximum price in any case in which the seller or supplier agrees to make and (simultaneously with any increase in the maximum price that may be authorized under this paragraph (c)) makes a reduction in the selling price of other fabrics or services which will equal or exceed the total dollar amount of the adjustment granted under this paragraph.

(3) *What an application under this paragraph must show.* An application for price adjustment under this paragraph (c) shall contain information in-

dicating that if the proposed adjustment is granted, the gross dollar amount of sales of the fabrics or services affected by the adjustment will not be greater than it would have been in the absence of the adjustment. In any case where such an adjustment is granted, the Office of Price Administration will require appropriate reports relating to the fabrics or services affected.

(4) *How the seller or supplier proceeds in applying for an adjustment.* An application for adjustment under this paragraph (c) shall be filed in accordance with Revised Procedural Regulation No. 1.⁹ If the seller's or supplier's total sales of all fabrics and services for the calendar year 1942, or for the fiscal year ending in 1942, exceeded \$500,000, the application shall be filed with the Office of Price Administration in Washington, D. C. If the seller's total sales of all fabrics and services during that period did not exceed \$500,000, the application shall be filed with the regional office of the Office of Price Administration located in the same region in which the seller's or supplier's business is located.

(d) *Application by a seller or a supplier under a combination of paragraphs (a) and (c) or (b) and (c).* A seller or a supplier who desires to apply for an adjustment under paragraph (c) may, at the time he applies under that paragraph, also apply under paragraphs (a) or (b), if the facts of his case entitle him to do so. In such case, the office considering his application will give the adjustment available under paragraphs (a) or (b) before applying paragraph (c).

(e) *Procedural Regulation No. 6¹⁰ superseded.* No application for adjustment filed after October 31, 1943, under Procedural Regulation No. 6 with respect to fabrics or services covered by this regulation will be granted.

Sec. 16. *Petitions for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

Sec. 17. *Adjustable pricing.* If the seller or supplier wishes, he may agree with the buyer to charge a price higher than the maximum price permitted by this regulation if that higher price becomes the legal maximum price by the time delivery is made. But he must never charge a price which is higher than the maximum price in effect at the time of delivery. Where the seller or supplier has filed an application for adjustment under section 15, he may, in accordance with the provisions of that section, deliver at a price which will be adjusted upwards in accordance with the action taken by the Office of Price Administration on his application. In all other cases, unless authorized by the Office of Price Administration, the seller or supplier must not deliver at a price which is to be adjusted upward in accordance with the action taken by the Office of Price Administration after delivery. This authorization will be given only where: (1) a request for a change in the applicable price is pending; (2) authorization is necessary to promote dis-

tribution or production; and (3) it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

Sec. 18. *Records.* To aid in the enforcement of this regulation, every seller subject to this regulation is required to keep certain records for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall remain in effect. These records are described in two paragraphs as follows:

(a) *Records of sales.* Every manufacturer and wholesaler subject to this regulation shall keep accurate records of every sale of fabrics or services. These records shall show:

- (1) The date thereof.
- (2) The name and address of the purchaser.
- (3) The quantity of each kind, type, and grade of fabric or service sold.
- (4) The price received.

(b) *Records of the bases on which maximum prices are determined.* Every manufacturer subject to this regulation shall keep accurate records of the following:

- (1) The prices charged during the base period for each kind, type and grade of fabric delivered or offered for delivery during the base period, and for each kind, type and grade of service supplied or offered for supply during the base period, including records of customary discounts, allowances and trade practices with respect to each class of purchaser.

(2) Records of base period differentials between different sizes, coating compounds, weight of coating, color, or similar variants in effect for fabrics or services during the base period, which were in use during that month in determining the price of one size, etc., in respect to the price of another size, etc.

(3) Labor rates in effect to him during the base period.

(4) Materials prices and waste and factory overhead rates in effect to him during the base period.

(5) Cost estimate sheets and other data showing the calculation of prices for all fabrics or services covered by this regulation for which the maximum price must be determined in accordance with the provisions of sections 8 or 10 of this regulation.

Sec. 19. *Licensing.* The provisions of Licensing Order No. 1,¹¹ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

Sec. 20. *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase of or relating to a fabric or service covered by this regulation alone or in conjunction with any other commodity or service or by way of commission, serv-

ice, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

Sec. 21. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

Sec. 22. *Definitions.* (a) When used in this regulation, the term:

(1) "Purchaser of the same class" and "class of purchaser" refer to the practice adopted by the seller in setting different prices for fabrics or services for sales to different purchasers or kinds of purchasers (for example, manufacturer, wholesaler, jobber, retailer, government agency, public institution, individual consumer) or for purchasers located in different areas, or for different quantities or grades or under different conditions of sale.

(2) "Natural rubber" means all forms and types of crude rubber, natural latex, reclaimed rubber and scrap rubber.

(3) "Rubber" means substitute rubber and all forms and types of rubber including natural and synthetic rubber.

(4) "Substitute rubber" means a substance made in whole or in part by a chemical process or from natural gums, resins or oils which in physical properties sufficiently resembles natural or synthetic rubber to replace either of them for particular uses, including uses where only some and not all of the physical characteristics of natural or synthetic rubber are needed, and which serves the same use as natural or synthetic rubber in the particular application in which it is applied. Substitute rubber includes balata.

(5) "Synthetic rubber" means a material obtained by chemical synthesis, possessing the approximate physical properties of natural rubber, when compared in either the vulcanized or unvulcanized condition, which can be vulcanized with sulphur or other chemicals with the application of heat, and which, when vulcanized, is capable of rapid elastic recovery after being stretched to at least twice its length at temperatures ranging from 0° F. to 150° F. at any humidity.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

Appendix A: Form for reports of maximum prices determined under section 8.

Form OPA
696-514

Form Approved
Budget Bureau
No. 08-R664

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

MPR-478

Coated and Combined Fabrics

Report to be filed under paragraph (f) of Section 8.

Manufacturer..... Date.....
Address.....
(Street) (City) (State)

(NOTE: There are no printed copies of this form. You may reproduce it in a manner

⁹ 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

¹⁰ 7 F.R. 5087, 5664, 8 F.R. 6173, 6174.

¹¹ 8 F.R. 13,240.

convenient to you, omitting as much of the instructions as you wish.)

1. Description of fabric or service being priced: (Include specification number, if any, a sufficient description to identify the fabric or service and a statement of the type of rubber, if any, involved, as defined in paragraph (a) (3) of Section 22.)

2. Description of fabric or service used as a basis for pricing:

3. Reason for the choice of this fabric or service as a basis for pricing: (Explain how the fabric or service was selected, following the directions in paragraph (e) of Section 8.)

4. Factory Costs: Unit used in this calculation: (yard, sq. ft., etc.)

Item of cost	Article used as a basis for pricing	Article being priced	Date price or rate in effect
a. Direct labor.....	\$..... (March, 1942, labor rates must be used in these calculations for fabrics or services whose base period is March, 1942. For fabrics or services whose base period is April, 1943, October 3, 1942, labor rates must be used unless a wage increase has been approved up to April 30, 1943, by the National War Labor Board, in which case such rates shall be used, but if your establishment is exempted by the National War Labor Board use April 30, 1943, labor rates.)	\$.....	
b. Direct materials..... Rubber (if any).....	\$..... (August 1, 1943, prices must be used in your calculations. If OPA has established lower maximum prices, such prices must be used.)	\$.....	
Other materials.....	\$..... (Base period prices must be used in your calculations. If there was no base period price, you must use the first price after the base period. If OPA has established lower maximum prices, such prices must be used.)	\$.....	
c. Waste.....	\$..... (Apply the same methods you used in the base period, adjusted to reflect the actual quantity of waste. If included under materials costs, do not fill in.)	\$.....	
d. Factory overhead.....	\$..... (Factory overhead must be computed in exactly the same manner, using the same elements of costs and same rates in effect in your plant during the base period, for similar operations. Factory overhead shall not include any selling or administrative expenses.)	\$.....	
e. Total factory costs.....	\$.....	\$.....	

5. Computation of Maximum Prices:

Class of purchaser	Fabric or service used as a basis for pricing		Margin	Fabric or service being priced	
	Maximum price	Factory costs		Factory costs	Maximum price
(a)	(b)	(c)	(d)	(e)	(f)

(Find the margin (d) which must be used in determining the maximum prices. This is done by subtracting the factory costs of the fabric or service used as a basis for pricing (c) from the maximum price to each class of purchaser (b). The amount of margin applicable to each class of purchaser is then added to the factory costs (e) of the fabric or service being priced.)

6. Method by which factory overhead was computed:

(State the method employed, including the rates used and the bases to which the rates were applied.)

Signature of Reporting Officer

Official Title

Appendix B: Forms for application for adjustment—(a) Form for application for adjustment of the maximum prices of coated or combined fabrics.

Form OPA 696-515

Form Approved—Budget Bureau No. 08-R665

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICES UNDER MAXIMUM PRICE REGULATION 478

Company Name.....

Address.....
(Street) (City) (State)

NOTE: If any difficulty is experienced in completing this form, it may be taken to the nearest OPA district accountant, who will give his assistance in its preparation.

The following facts are furnished to the Office of Price Administration in support of this Application:

SCHEDULE A

1. Describe the company's business.
2. Designate and describe the fabric or fabrics for which a price increase is requested.
3. Present the following information for each fabric listed in 2 above:

NOTE: If more than one fabric is being reported, present the required information on another sheet.

- (a) Dollar volume of unfilled orders \$.....
- (b) Unit volume of unfilled orders. (Indicate unit used).....
4. Present a statement why it is believed that the company is an essential supplier of an essential fabric. This shall include:

(a) Whether the sale of the fabric is part of a war contract or subcontract which the company has entered into, or proposes to enter into.

- (1) Identification of contract.....
- (2) Name of purchaser.....
- (3) Address of purchaser.....
(Street) (City) (State)

(b) The civilian requirement which the fabric is designed to meet.

(c) Whether similar fabrics are sold by competitors. If yes, give names and addresses of competitors and their prices for such fabrics.

SCHEDULE B

Important: If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have furnished same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the case of a subsidiary wholly owned by a parent corporation, consolidated statements as well as statements for the subsidiary should be submitted.

1. Submit balance sheets and profit and loss statements for the years 1941 and 1942, and for the most recent accounting period.

(NOTE: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expense, selling expense, the total amount of officers' salaries and the number of officers.)

2. Financial data 1936-1940.

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936-1940, or fill in the following condensed table.

	1936	1937	1938	1939	1940
Net sales.....					
Cost of goods sold.....					
Gross profit.....					
Administrative expense.....					
Selling expenses.....					
Net operating profit.....					
Other income less other expenses.....					
Net profit before income taxes.....					
Debt (except current) at end of year.....					
Net worth at end of year.....					
Total assets.....					

3. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization? If no, state exceptions. (Yes or No)

SCHEDULE C

Unit Price and Unit Cost Information

Designation of the fabric.....

NOTE: If more than one fabric is involved, prepare and file separate reports on this schedule for each fabric that you consider necessary to convey an adequate understanding of the situation which gave rise to this application.

1. Price data.
(a) Net realized price:

	Ceiling price, 194..	Requested price
1. (List) (gross) price..... (Please indicate whether the price is a list or a gross price by crossing out the term that does not apply).		
2. Net realized price.....		
3. Net realized price at maximum discount and/or commission.....		

(b) Analysis of Sales of the Above Designated Item:

Sales for _____ month, period
(Number of months)
ending _____, 1943.
(Month and day)

(Use a sufficient number of months prior to the date of the application to give an adequate understanding of the situation. Name the period in the allotted space and fill in commission rates or discounts.)

	Percent- age amount of commis- sion or dis- counts	Dollar value of sales after dis- counts
Sales subject to commission of _____	(1) _____%	\$ _____
Sales subject to commission of _____	(2) _____%	\$ _____
Sales not subject to commission _____	XXXX	_____
Sales subject to discount of _____	(1) _____%	\$ _____
Sales subject to discount of _____	(2) _____%	\$ _____
Sales subject to discount of _____	(3) _____%	\$ _____
Sales subject to discount of _____	(4) _____%	\$ _____
Sales subject to discount of _____	(5) _____%	\$ _____
Sales not subject to discount _____	XXXX	_____
Total sales of above designated item _____	XXXX	_____

(c) Total sales for the above designated item only:

	1940	1941	1942	Months ending 1943
Total unit volume of sales _____				
Total dollar volume of sales (net) _____	\$ _____	\$ _____	\$ _____	\$ _____

(d) Is the price currently charged for the fabric the same as the maximum price filed with OPA?

(Yes or No)

(If the answer is "No", state date when increased price was first charged.)

Date: _____, 194____
Month _____

(e) Indicate whether the current maximum price is a list or established price _____ or a formula price _____ (check one).

Price used since _____, 194____
Month _____

(f) State the reasons for the need of the requested price increase.

2. Unit cost data:

(In presenting unit cost data be sure to include only costs actually incurred. In the case of a seller other than a manufacturer submit information only on the applicable items of cost.

(Material cost must represent actual cost. State separately any charges added to costs of materials. In the case of a seller other than a manufacturer direct material cost means the price at which the seller purchased the fabric.

(Where standard costs are used, adjust costs for over- or under-absorption during the period to which the costs apply, if possible.

(If the fabric covered by the application was not manufactured during the base period, the cost data for that month must be computed in accordance with the procedure outlined in the applicable section of the regulation for determining your maximum price. Under items (f), (g), and (h) include only costs borne by the seller and not billed separately to the buyer.)

	Ceiling date costs _____ 194____	Current date costs _____ 1943
(a) Direct material _____	\$ _____	\$ _____
(b) Direct labor _____	_____	_____
(c) Factory overhead _____	_____	_____
(d) Selling expense (do not include discounts and commissions deducted under price data above) _____	_____	_____
(e) Administrative expense _____	_____	_____
(f) Freight out, if any _____	_____	_____
(g) Installation expense, if any _____	_____	_____
(h) Other expense, specify _____	_____	_____
(i) Total cost per unit _____	_____	_____

(j) What method is used in allocating factory overhead?

1. Standard () : Actual () : Other ().
(Check one)

2. Direct labor cost () : Direct labor hours () : Machine hours () : Other ().
(Explain separately if "other" or combination).

(Applicant)

By _____
(Title)

Affidavit

State of _____ ss:
County of _____

The undersigned _____ being first duly sworn according to law, on oath deposes and says:

That he is the person whose name appears subscribed to the above Application for Adjustment; and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

(Signature)

Subscribed and sworn to before me this _____ day of _____, 1943.

Officer Administering Oath.

(b) Form for application for adjustment of maximum prices of coating and combining services.

Form Approved—Budget Bureau No. 08-R666
Form OPA 696-516

UNITED STATES OF AMERICA
OFFICE OF PRICE ADMINISTRATION
WASHINGTON, D. C.

APPLICATION FOR ADJUSTMENT OF MAXIMUM PRICES FOR COATING AND COMBINING SERVICES UNDER MAXIMUM PRICE REGULATION No. 478.

Company Name _____
Address _____
(Street) (City) (State)

	Ceiling date _____ 194____ (month)	Current date _____ 194____ (month)	Basis of allocation (specify below)
Direct labor _____	_____	_____	XXXXXXXXXXXX
Direct materials _____	_____	_____	XXXXXXXXXXXX
Shop overhead _____	_____	_____	_____
Administrative expense _____	_____	_____	_____
Selling expense _____	_____	_____	_____
Other expense (specify) _____	_____	_____	_____
Total cost per service unit _____	_____	_____	XXXXXXXXXXXX
Average hourly wage rate, exclusive of overtime, for direct labor engaged in this service _____	_____	_____	XXXXXXXXXXXX
Average number of hours worked per man per week (direct labor only) _____	_____	_____	XXXXXXXXXXXX

Important: If you have submitted any of the following information on Office of Price Administration Financial Report Forms A and B for certain periods or have reported the same on a previous application for adjustment of a maximum price, you may omit those periods in your present report. In the

The following facts are furnished to the Office of Price Administration in support of this Application:

1. Describe the company's business.
2. Describe the type of service for which price increase is requested.

3. Present a statement why it is believed that the company is an essential supplier of an essential service. This shall include:

(a) Whether the service is supplied on a fabric the sale of which is part of a war contract or subcontract.

(1) Identification of contract _____
(2) Name of purchaser _____
(3) Address of purchaser _____
(Street) (City) (State)

(b) The civilian requirement which the fabric on which the service is supplied is designed to meet.

(c) Whether similar services are supplied by competitors. If yes, give names and addresses of competitors and their prices for such services.

4. State, on a separate sheet, the reasons for the requested price increase.

5. File the following information for the service described in Item 2 above.

(a)
Highest price during base period _____ \$ _____
Present price _____ \$ _____
Requested price _____ \$ _____
per _____
Service unit (running yard, square yard, ounce of coating, etc.) (If the prices submitted are not net prices state the discounts and allowances granted to each class of purchasers.)

	Year ended 194____	Year ended 194____	months ending 194____
Total number of service units performed including those not billed _____	_____	_____	_____
Number of service units billed _____	_____	_____	_____
Dollar amount of service billings _____	_____	_____	_____

6. Costs per service.
(In presenting cost data be sure to include only costs actually incurred.

(Material cost must represent actual cost. State separately any charges added to costs of materials.

(Where standard costs are used, adjust costs for over- or underabsorption during the period to which the costs apply, if possible.

(If the service covered by the application was not supplied during the base period, the cost data for that month must be computed in accordance with the procedure outlined in the applicable section of the regulation for determining your maximum price.)

case of a subsidiary wholly owned by a parent corporation, consolidated statements as well as statements for the subsidiary should be submitted.

7. Submit balance sheets and profit and loss statements for the years 1941 and 1942, and the most recent accounting period.

5. Section 28 Table 13 is amended by changing the headnotes and by changing the prices of "Green coffee" to read as follows:

	Sales to wholesalers (per 100 lbs.)	Sales at wholesale and to roasters (per 100 lbs.)	Sales at retail (per lb.)
Green coffee.....	22.75	23.75	\$0.26

6. Section 30 is amended to read as follows:

SEC. 30. *Maximum prices for dried beans, dried peas and garbanzos sold in the Territory of Puerto Rico.*

	Price per whole-saler	Price per whole-retail
All grades of dried beans and dried peas, except garbanzos, imported from the continental United States.....	\$0.0555	\$0.07
All grades of red, pink, and mottled varieties of dried beans not imported from the continental United States.....		.125
All grades of white varieties of dried beans not imported from the continental United States.....		.115
Pigeon peas, not imported from the continental United States.....		.065
Garbanzos.....		Price per 110 lbs. \$8.00

1 On home delivered sales the maximum price at retail may be increased by 1 cent per pound.

7. Section 32 Table 18 is amended by changing the title and by adding the category "Shortening" to read as follows:

TABLE 18—MAXIMUM PRICES FOR OLEOMARGARINE AND SHORTENING

	Sales to whole-salers (price per pound)	Sales at wholesale (price per pound)	Sales at retail (price per pound)
Shortening, hydrogenated, bulk.....	\$0.185	\$0.204	\$0.26

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16781; Filed, October 14, 1943; 3:56 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[Rev. MPR 183; Amdt. 9]

GROCERIES IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 183 is amended in the following respects:

1. Section 24 Table 8 is amended by changing the prices of the two Heinz brands and by adding two Libby brands under the category "Tomato ketchup", all to read as follows:

Items and brand names	Unit	Price to whole-saler	Price at wholesale	Retail price (per container)
Tomato ketchup:				
Heinz.....	Case of 24 1/4-ounce bottles.....	\$4.85	\$5.57	\$0.32
Heinz.....	Case of 24 1/8-ounce bottles.....	3.10	3.56	.19
Libby.....	Case of 24 1/4-ounce bottles.....	3.80	4.40	.24
Libby.....	Case of 24 1/8-ounce bottles.....	2.60	3.60	.16

2. Section 24 Table 9 is amended by changing the prices of the Heinz brand and by adding four new brands, all to read as follows:

Items and brand names	Unit	Price to whole-saler	Price at wholesale	Retail price (per container)
Canned tomato juice:				
Heinz.....	Case of 24 1/8 ounce cans.....	\$3.05	\$3.50	\$0.19
Curless.....	Case of 24 1/8 ounce cans.....	2.65	3.00	.16
Exquisite (fancy).....	Case of 24 #303 cans.....	2.78	3.20	.17
Scott.....	Case of 48 9/16 ounce cans.....	3.50	4.00	.11
Stockleys.....	Case of 24 2/20 ounce cans.....	3.15	3.60	.20

3. Section 25 Table 10 is amended by adding the type "Extra standard ungraded sweet" to the category "Canned peas"; by adding a new brand to the category "Stringbeans, cut", and by changing the unit of Canned tomatoes, standard: Gibbs, American Wonder, McGrath and Vallonia from "Case of 24 #2 oz. cans" to "Case of 24 #2 cans", all to read as follows:

Items and brand names	Unit	Price to whole-saler	Price at wholesale	Retail price (per container)
Canned peas:				
Extra standard ungraded sweet.....				
Ruby.....	Case of 48 10 1/4-ounce (pint) cans.....	\$4.95	\$5.65	\$0.15
Stringbeans:				
Cut.....	Case of 24 #2 cans.....	3.20	3.65	.19
Gibbs.....	Case of 24 #2 cans.....	3.05	3.50	.19

4. Section 26 is amended by deleting the word "native" from the title.

*Copies may be obtained from the Office of Price Administration.
: 8 P. R. 9832, 10763, 10906, 11437, 11847, 12549, 12692, 13165.

(Note: Each profit and loss statement must contain a detailed breakdown of cost of goods sold, administrative expenses, selling expenses and officers' salaries, including the number of officers.)

8. Financial data, 1936-1940.

(NOTE: The filing of the financial data designated in this item is optional. Should the applicant prefer, this information will be obtained by the Office of Price Administration directly from the Bureau of Internal Revenue.)

Either submit balance sheets and profit and loss statements for the years 1936-1940, or fill in the following condensed table.

	1936	1937	1938	1939	1940
Net sales.....					
Cost of goods sold.....					
Gross profit.....					
Administrative expenses.....					
Selling expense.....					
Net operating profit.....					
Other income less other expenses.....					
Net profit before income taxes.....					
Debt (except current) at end of year.....					
Net worth at end of year.....					
Total assets.....					

9. Are the salaries and wages of all your employees in compliance with the maximum established by the Office for Economic Stabilization? If "No" state exceptions:

Yes or No
By
Applicant
Title

STATE OF
County of
AFFIDAVIT

The undersigned, being first duly sworn according to law, on oath deposes and says:

That he is the person whose name appears subscribed to the above Application for Adjustment, and that he has read the same and knows to his own knowledge that the facts contained therein are true and correct.

Signature
Subscribed and sworn to before me this day of
Officer Administering Oath

Effective date. This regulation shall become effective November 1, 1943.

8. Section 32 Table 18a is amended by adding new brands to the categories "Olive oils" and "Vegetable oils", to read as follows:

Brand	Container (size and unit)	To whole-salers	At whole-sale	At retail (per unit)
Olive oils:				
Smith Wellman.....	Tins 1/5 gallon.....	\$31.70	\$34.85	\$43.55
Vegetable oils:				
Massala.....	Tins 6/1 gallon.....	13.35	14.70	3.06
Ricola.....	Tins 6/1 gallon.....	15.60	17.15	3.57

9. Section 33 Table 19 is amended to read as follows:

TABLE 19—MAXIMUM PRICES FOR DRIED, SEMI-DRIED, SMOKED OR PICKLED FISH IN BULK

	Sales to whole-salers (price per pound)	Sales at whole-sale (price per pound)	Sales at retail (price per pound)
If hard dried, semi-dried or smoked.....	\$0.14	\$0.15	\$0.18
If pickled, except pickled herring.....	.0825	.095	.13
Pickled herring.....	.0925	.105	.14

10. Section 35 Table 22 is amended to read as follows:

TABLE 22—MAXIMUM PRICES FOR CERTAIN CORN PRODUCTS

	Price to whole-salers (per 100 pounds)	Price at whole-sale (per 100 pounds)	Price at retail	
			For 1 pound	For 2 pounds
Corn meal.....	\$4.00	\$4.35	\$0.06	\$0.11
Cracked corn.....	3.25	3.55	.05	.09
Whole corn.....	3.00	3.25	.04	.08

1 This maximum price shall not apply to sales to the United States Government or its agencies.

11. Section 36 Table 23 is amended to read as follows:

TABLE 23—MAXIMUM PRICES FOR CERTAIN PACKAGED CEREALS AND GRAINS

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price (per pkg.)
Breakfast cereals:				
Cream of wheat.....	Case of 36/28-ounce.....	\$8.05	\$9.10	\$0.33
Cream of wheat.....	Case of 48/14-ounce.....	6.30	7.10	.19
Gold Medal:				
Wheaties.....	Case of 36/8-ounce.....	4.45	5.00	.18
Wheat flakes.....	Case of 24/8-ounce.....	2.31	2.61	.14
Wheat flakes.....	Case of 36/8-ounce.....	3.47	3.92	.14
Cheerios.....	Case of 24/7-ounce.....	3.15	3.55	.19
General Foods:				
Bran Flakes.....	Case of 24/8-ounce.....	2.75	3.10	.17
Grape Nuts.....	Case of 24/13-ounce.....	5.30	6.00	.32
Whole Bran Shreds.....	Case of 12/10-ounce.....	1.75	2.00	.21
Grape Nuts Flakes.....	Case of 24/7-ounce.....	2.60	2.95	.16
Post Tens.....	Case of 120/1-ounce.....	3.00	3.40	.04
Post Toasties.....	Case of 36/6-ounce.....	2.60	2.95	.10
Grape Nut Wheat Meal.....	Case of 12/16-ounce.....	1.95	2.20	.24
Kellogg:				
Variety.....	Case of 12/10-ounce.....	3.00	3.40	.37
Rice Krispies.....	Case of 24/5 1/4-ounce.....	3.15	3.55	.19
All Bran.....	Case of 24/10-ounce.....	3.15	3.55	.19
Shredded Wheat.....	Case of 24/12-ounce.....	3.30	3.70	.20
Corn Flakes.....	Case of 36/6-ounce.....	2.55	2.88	.10
National Oats:				
3 Minutes Oat Flakes.....	Case of 18/20 ounce tin.....	2.95	3.30	.23
Quaker:				
Hominy Grits.....	Case of 24/24 ounce.....	2.35	2.65	.14
Puffed Rice Sparkies.....	Case of 24/4 1/4 ounce.....	3.05	3.45	.19
Puffed Wheat.....	Case of 24/4 ounce.....	2.60	2.95	.16
Mufflets.....	Case of 24/8 ounce.....	2.45	2.75	.15
Individual Assorted Cereals.....	Case of 12/10 ounce.....	3.10	3.50	.38
Oats.....	Case of 36/20 ounce tin.....	5.90	6.60	.23
Corn meal:				
Quaker White.....	Case of 12/24 ounce.....	1.15	1.30	.14
Farina:				
Quaker.....	Case of 36/24 ounce tin.....	6.70	7.55	.27
Quaker.....	Case of 12/14 ounce.....	1.15	1.30	.14
Quaker.....	Case of 12/28 ounce.....	2.25	2.55	.28
Vitos.....	Case of 24/28 ounce.....	3.26	3.60	.18
Flour:				
Aunt Jemima:				
Pancake flour.....	Case of 24/30 ounce.....	2.80	3.15	.17
Buckwheat flour.....	Case of 12/20 ounce.....	1.55	1.75	.19

12. Section 39 Table 27 is amended by changing the units and prices of the brands "La Javanela" to read as follows:

	Sales to whole-salers	Sales at whole-sale	Sales at retail (per pkg.)
La Javanela (8 oz. package)....	\$16.00	\$17.50	\$0.11
La Javanela (16 oz. package)....	14.00	15.50	.19

13. Section 42 Table 33a is added to read as follows:

TABLE 33a—MAXIMUM PRICES FOR INEDIBLE LAUNDRY STARCH

	To whole-salers (price per 100 pounds)	At whole-sale (price per 100 pounds)	At retail (price per pound)
Inedible laundry starch.....	\$4.45	\$4.90	\$0.06

14. Section 43 (b) (13) is amended by deleting the municipality "Caguas" and by changing the municipality "Maranjito" to "Naranjito".

15. Section 43 (b) (12) is amended by inserting the municipality "Caguas" after the municipality "Bayamon".

16. Section 44 Table 36 is amended to read as follows:

TABLE 36—MAXIMUM PRICES FOR ALL GARLIC

	Sales to whole-salers (price per lb.)	Sales at whole-sale (price per lb.)	Sales at retail (price per head)
Garlic.....	\$0.1375	\$0.165	\$0.02

17. Section 45 Table 37 is amended by changing the first five "Lard" items, by changing the prices of "Picnic hams, smoked" and "Skinned hams, smoked" under the category "Pork" by designating the note following the table as footnote 1 and adding two new footnotes, to read as follows:

	Sales to whole-salers (price per pound)	Sales at whole-sale (price per pound)	Sales at retail (price per pound)
Lard and rendered pork fat:			
Prints.....	\$0.165	\$0.1775	\$0.21
Tierces and cases of 56 pounds.....	.16	.17	.20
Tins of 34 to 37 pounds.....	.1625	.1725	.20
Pork:			
Picnic hams, smoked.....	.31	.34	.44
Skinned hams, smoked.....	.36	.40	.52

1 On sales of less than four pounds the maximum retail price shall be \$0.48 per pound.

2 On sales of less than four pounds the maximum retail price shall be \$0.56 per pound.

18. Section 46 Table 38 is amended by changing the brand "Fortadella" to "Mortadella".

19. Section 47 Table 39 is amended by adding three new items to the category "Toilet soap" and one new item to the category "Powdered soap", to read as follows:

Items and brand names	Unit	Price to wholesaler	Price at wholesale	Retail price (per unit)
Toilet soap:				
Lux.....	Per 100/4 oz. bars.....	\$7.60	\$8.30	\$0.10
Lux.....	Per 250 1/4 oz. bars.....	6.45	7.10	.04
Victoria.....	Per 144/3/4 oz. bars.....	6.88	7.60	.07
Powdered soap:				
Victoria.....	Case of 24/2 lb. pkgs.....	6.25	6.90	.36

20. Section 49 (a) (6), (7) and (8) are added and Table 40 is amended to read as follows:

(6) "Processed" or "in order" bag means a second hand bag of sound material which is clean and free from holes. A bag shall be considered free from holes if all holes including trier or probe holes, have been patched or mended.

(7) "Unprocessed" or "as rise" bag means second hand bag of sound material which is not clean or which requires patching or mending.

(8) "Unmendable" bag means, "unprocessed" bag of sound material which can be reused as a container but which is cut or torn from previous use to such an extent that it cannot feasibly be mended or patched to fit the specifications of a "processed" or "in order" bag.

TABLE 40—MAXIMUM PRICES FOR SECOND HAND BAGS

	Capacity 100 pounds or less (per bag)	Capacity Over 100 pounds (per bag)
To collectors:		
Processed bags.....	\$0.12	\$0.20
Unprocessed bags.....	.10	.18
Unmendable bags.....	.08	.15
To dealers (delivered):		
Processed bags.....	.14	.23
Unprocessed bags.....	.12	.21
Unmendable bags.....	.10	.18
To consumers (delivered):		
Unprocessed bags.....	.13	.23
Unmendable bags.....	.11	.20
Processed or "in order" bags.....	.165	.28

21. Section 50 (a) (2), (3), (4), (5), (6) and (7) are added; (b) is added, and Table 41 is amended, all to read as follows:

(2) "Table potatoes" means all potatoes except seed potatoes.

(3) "Native tomatoes" means all wrinkled surface varieties of tomatoes produced in Puerto Rico.

(4) "Marglobe fancy tomato" means a tomato, no less than 2 1/2 inches in diameter measured at a right angle from its axis, of a uniform shape and with a smooth surface, which is free from dirt, decay, insects and mechanical injury.

(5) "Marglobe first class tomato" means a tomato, no less than 1 3/4 inches in diameter measured at a right angle from its axis, of a fairly uniform shape and with a fairly smooth surface, which is free from dirt, decay, insects and mechanical injury.

(6) "Marglobe second class tomato" means a tomato, with an unwrinkled surface which does not fit the specifications for a marglobe fancy or a marglobe first class tomato.

(7) "Standard lug" means a wooden box measuring 6"x13.5"x16".

(b) Trade practices. On sales of marglobe fancy tomatoes at wholesale, when such tomatoes are packed in standard lugs, the seller shall be permitted a

tolerance of not more than 5% in the size of the fruit and of not more than 5% for fruit damaged as the result of transportation; when such tomatoes are packed in containers other than standard lugs, the seller shall be permitted a tolerance of not more than 8% in the size of the fruit and of not more than 8% for fruit damaged as the result of transportation. On sales of marglobe first class tomatoes at wholesale when such tomatoes are packed in standard lugs, the seller shall be permitted a tolerance of not more than 5% in the size of the fruit and of not more than 8% for fruit damaged as the result of transportation; when such tomatoes are packed in containers other than standard lugs the seller shall be permitted a tolerance of not more than 10% in the size of the fruit and of not more than 10% for fruit damaged as the result of transportation. The minimum net weight of each standard lug shall be 28 pounds for fancy and 30 pounds for first class marglobe tomatoes.

TABLE 41—MAXIMUM PRICES FOR CERTAIN FRESH FRUITS AND VEGETABLES SOLD OR DELIVERED IN THE TERRITORY OF PUERTO RICO

Product	Sales to wholesaler (per 100 pounds)	Sales at wholesale (unit specified)	Sales at retail	
			Not delivered (per pound)	Home delivered (per pound)
Cabbage, including all varieties and grades.....		Per 100 lbs. \$4.50	\$0.07	\$0.08
Pigeon peas, green including all varieties and grades.....		10.00	.13	.14
Potatoes (imported from the continental United States):				
Seed.....	\$3.50	4.20		
Table.....	3.25	3.55	.05	.05
Tomatoes, "Native", including all grades.....		5.00	.08	.10
Tomatoes, "Marglobe" fancy.....		Per standard lug \$3.92	.20	.22
Tomatoes, "Marglobe" fancy.....		Per 100 lbs. net \$12.00	.20	.22
Tomatoes, "Marglobe" first class.....		Per standard lug \$3.30	.16	.18
Tomatoes, "Marglobe" first class.....		Per 100 lbs. net \$10.00	.15	.18
Tomatoes, "Marglobe" second class.....		5.75	.09	.11

22. Section 52 is added to read as follows:

SEC. 52. Maximum prices for charcoal sold in the Territory of Puerto Rico.

TABLE 43—MAXIMUM PRICES FOR CHARCOAL

	From January 1 to May 31		From June 1 to December 31	
	Not delivered	Delivered	Not delivered	Delivered
One 100 lb. capacity 1 bur-lap bag.....	\$0.60	\$0.65	\$0.70	\$0.75
One 5 gallon tin.....	.17	.19	.20	.22
One 4 pound capacity 1 paper bag.....	.04	.05	.05	.06

¹ Prices include the bag container.

² Prices do not include container.

³ Prices include the paper bag container.

NOTE.—The maximum price for charcoal sold in containers other than those specified above shall be a price proportionately computed on the basis of container of the nearest capacity.

This amendment shall become effective as of October 4, 1943, except with respect to the following:

(a) As to section 43, as of October 1, 1943.

(b) As to section 52 on October 10, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9323, 8 F.R. 4681)

Issued this 14th day of October 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-16782; Filed, October 14, 1943; 3:57 p. m.]

PART 1429—POULTRY AND EGGS

[MPR 333, Amdt. 15]

EGGS AND EGG PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 333 is amended in the following respects:

1. The undesignated paragraph following Table C of § 1429.69 (d), which was added by Amendment 8 to Maximum Price Regulation 333, is amended to read as follows:

There is added to the maximum price for each procurement grade of eggs for each week set forth in Table C of this section as contained in the original regulation issued on February 25, 1943, the sum of 2.8 cents.

2. The undesignated paragraph following Table D of § 1429.69 (e), which was added by Amendment 8 to Maximum Price Regulation 333 is amended to read as follows:

There is added to the maximum price for each procurement grade of eggs for each week set forth in Table D of this section as contained in the original regulation issued on February 25, 1943, the sum of 2.7 cents.

3. Section 1429.69 (f) is amended to read as follows:

(f) *Maximum prices for consumer grades sold and delivered to the United States or any agency thereof.* The maximum prices for shell eggs of consumer grades sold and delivered to the United States or any agency thereof shall be the same as provided in § 1429.67 for sales to independent retailers.

This amendment shall be effective October 14, 1943 and its provisions shall continue in effect until 12 o'clock, midnight on November 28, 1943, at which time the provisions of Amendment 8 to Maximum Price Regulation 333 shall be reinstated automatically and without further order of the Administrator, and the indicated provisions of this amendment shall cease and terminate.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of October 1943.

CHESTER BOWLES,
Acting Administrator.

Approved: October 12, 1943.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 43-16783; Filed, October 14, 1943; 3:59 p. m.]

*Copies may be obtained from the Office of Price Administration.

18 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457, 9027, 9300, 9879, 9300, 11381, 12095, 12478.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS

WATERS OF GULF OF MEXICO AND MISSISSIPPI SOUND; AERIAL GUNNERY RANGES SOUTH OF HORN, PETIT BOIS AND DEER ISLANDS, MISS.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the regulations governing the use and navigation of waters of the Gulf of Mexico and Mississippi Sound, south of Petit Bois Island and Deer Island, Mississippi, comprising aerial gunnery practice areas of the Third Air Force, Tampa, Florida, are hereby revoked.

§ 204.91 *Waters of Gulf of Mexico and Mississippi Sound; aerial gunnery ranges south of Horn, Petit Bois and Deer Islands, Miss.* [Rescinded] (40 Stat. 266; 33 U.S.C. 1) [Regs. 7 October 1943 (CE 800, 2121 (Mississippi Sound)—SPEKH)]

[SEAL]

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 43-16790; Filed, October 14, 1943; 5:07 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

Subchapter Z—Withdrawals, Restorations, Classifications and Executive Orders
[Public Land Order 185]

PART 298—PUBLIC LAND ORDERS

WITHDRAWING PUBLIC LANDS IN IDAHO FOR USE OF THE WAR DEPARTMENT AS A DEMOLITION AND INCENDIARY BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

§ 298.185 *Public Land Order No. 185.* Subject to valid existing rights, the following-described public lands are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the War Department as a demolition and incendiary bombing range:

BOISE MERIDIAN

T. 1 S., R. 31 E., secs. 22, 23, 26, 27, 34, and 35.
The areas described aggregate 3,840 acres.

This order shall take precedence over but not modify the order of November 3, 1936, of the Secretary of the Interior, establishing Idaho Grazing District No. 3, so far as such order affects the above-described lands.

The jurisdiction granted by this order shall cease at the expiration of the six

months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other Department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

ABE FORTAS,

Acting Secretary of the Interior.

OCTOBER 7, 1943.

[F. R. Doc. 43-16791; Filed, October 14, 1943; 5:07 p. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

EMPLOYMENT OF HOMEWORKERS IN EMBROIDERIES INDUSTRY

NOTICE OF HEARING

Notice of hearing in the matter of the postponement of the effective date of the regulations applicable to the employment of homeworkers in the embroideries industry. To be held October 29, 1943.

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor by Part 633, Chapter V, Title 29, Code of Federal Regulations issued a wage order for the embroideries industry establishing for such industry a minimum wage rate of 40 cents an hour effective September 20, 1943 and prescribing certain terms and conditions applicable to industrial homework employment, effective November 15, 1943; and

Whereas, the Administrator by §§ 633.100 to 633.112, Title 29, Chapter V, Code of Federal Regulations, issued regulations applicable to industrial homework employment in the embroideries industry, pursuant to sections 8 (f) and 11 (c) of the Fair Labor Standards Act of 1938, effective November 15, 1943; and

Whereas, a petition has been filed pursuant to § 633.112 of the aforementioned Regulations with the Administrator by the Pleaters, Stitchers and Embroiderers Association, Inc. of 1440 Broadway, New York City, requesting the postponement of the effective date of the regulations applicable to the employment of homeworkers in the embroideries industry from November 15, 1943 to March 31, 1944 for the reasons stated in the petition that:

1. The employers of homeworkers in this industry and the manufacturers in the dress industry have already commenced opera-

tions on their spring lines which will be completed approximately March 31, 1944, and which would be completely wiped out if prohibition of homework were to take effect prior to March 31, 1944.

2. Space limitations in the New York garment area make it impossible for employers of homeworkers in the industry to rent the additional space required to bring their homeworkers inside. This situation may ease up within the next six months because of the cutting back and cancellation of Army contracts now taking place in this area.

3. It is impossible for an industry employing thousands of homeworkers to adjust itself to the elimination of homework in the space of ten weeks. An abrupt termination could only result in chaos, widespread violation, and the elimination of many employers from the business;

and

Whereas, the Administrator has been petitioned by other interested parties to postpone the effective date of the regulations applicable to the employment of homeworkers in the embroideries industry;

Now, therefore, notice is hereby given of a public hearing to be held on October 29, 1943 at 10:00 a. m. at the National Office of the Wage and Hour Division, 165 West 46th Street, New York, New York, in Room 1001, before Mr. Merle D. Vincent, hereby authorized as the presiding officer to conduct said hearing and to take testimony limited to the question whether the effective date of the regulations applicable to the employment of homeworkers in the embroideries industry shall be postponed to March 31, 1944. At this hearing, opportunity to present evidence on the above question will be afforded any interested person, providing the presiding officer shall have received at the address given above, from such person, prior to October 29, 1943, a notice of intention to appear, setting forth his name and address, the Company or organization he represents, and the approximate length of time required for such presentation.

Following the hearing, the presiding officer shall file with the Administrator a complete record of the proceedings, together with his findings of fact and recommendation thereon.

Signed at New York, New York, this 14th day of October 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 43-16810; Filed, October 15, 1943;
12:11 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 8534]

GEORGIA SCHOOL OF TECHNOLOGY (WGST)

NOTICE OF HEARING

In re application of Georgia School of Technology, WGST; date filed, May 22, 1943; for, Renewal of License, (main and auxiliary); class of service, Broadcast; class of station, Broadcast; location, Atlanta, Georgia; operating assignment specified: Frequency, 920 kc.; power, 1

kw. night; 5 kw. day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the terms, provisions and conditions of the Commission's Proposed Findings of Fact and Conclusions of March 23, 1943, and Order of May 8, 1943, in Docket 5903 are effectuated by the provisions and consummation of the contract entered into between The Regents of the University System of Georgia, on behalf of the licensee, Georgia School of Technology, and the Southern Broadcasting Stations, Inc. of April 15, 1943.

2. To determine the extent to which the former officers, directors, stockholders and employees of Southern Broadcasting Stations, Inc. will participate in the revenues of the station under the contract of April 15, 1943, as heretofore described, and the effect which this participation will have on the over-all finances and operation of the station.

3. To determine the consideration given by the former officers, directors, stockholders and employees of Southern Broadcasting Stations, Inc., in return for the share in the earnings of the station which they will receive under the contract of April 15, 1943, as heretofore described.

4. To determine the value of the equipment owned by, and the assets of, the Southern Broadcasting Stations, Inc. at the time the contract of April 15, 1943, heretofore referred to, was consummated.

5. To determine the degree of influence, control and domination, whether direct or indirect, that the former officers, stockholders, directors and employees of the Southern Broadcasting Stations, Inc. will have on the future operations of WGST.

6. To determine the amount and degree of participation, control and influence The Regents of the University System of Georgia's WGST Radio Committee, and each of its members will exercise in the operation of the station.

7. To determine whether there are any other written or oral contracts, understandings or agreements between the former stockholders, officers, directors or employees of the Southern Broadcasting Stations, Inc. and The Regents of the University System of Georgia, the WGST Radio Committee, or any of their members, in connection with the operation of WGST, or the contract of April 15, 1943, heretofore referred to, which have not been disclosed to the Commission.

8. To determine whether in the light of the Commission's Proposed Findings of Fact and Conclusions and Order in Docket 5903 and the present and future relationship between The Regents of the University System of Georgia, the WGST Radio Committee, the licensee, Georgia School of Technology, and the Southern Broadcasting Stations, Inc., their present and past officers, directors, stockholders and employees, the granting of this application and the continued operations

of WGST will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Georgia School of Technology, Radio Station WGST, North Avenue and Cherry Street, Atlanta, Georgia.

Dated at Washington, D. C., October 12, 1943.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 43-16796; Filed, October 15, 1943;
11:29 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-502]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF FILING OF APPLICATION

OCTOBER 14, 1943.

On October 4, 1943, Manufacturers Light and Heat Company, 800 Union Trust Building, Pittsburgh, Pennsylvania, filed with the Federal Power Commission its application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, as amended, for authority to acquire, operate and maintain all of the physical assets of the Beaver-Butler Gas Company held by the Trustees, including all pipe, equipment, rights of way, meters, regulators, regulator stations, road, stream and railroad crossing permits, gas purchase contracts, rights and leases, all real estate, leases of real estate, franchises and all property on the ground or in warehouse used or useful in the production, transmission and sale of natural gas.

Applicant also requests permission of the Commission to enlarge its chartered territory for the transmission and distribution of gas to include the operating territory of the Beaver-Butler Gas Company.

Notice is hereby given of the aforesaid application for a certificate of public convenience and necessity. The said property above referred to is located in New Sewickley, Rochester, Daugherty, Center and Economy Townships in Beaver County, Pennsylvania; Cranbury and Adams Townships in Butler County, Pennsylvania; and Marshall Township in Allegheny County, Pennsylvania. The proposed purchase price of the property is \$25,000.00.

Any person desiring to be heard or to make any protest with reference to this application should, on or before the 30th day of October, 1943, file with the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C. (25), a petition or protest in accordance with the Rules of Practice and Regulations of the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-16799; Filed, October 15, 1943;
11:44 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Supp. Vesting Order 2391]

PIONEER IMPORT CORP.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found in Vesting Order No. 352, dated November 11, 1942, that International Mortgage & Investment Corporation is controlled by Hardy & Co., G. m. b. H., Berlin, Germany, and is a national of a designated enemy country (Germany);

2. Having found in Vesting Order No. 354, dated November 11, 1942, that Pioneer Import Corp. is a national of a designated enemy country (Germany);

3. Having found in Vesting Order No. 1452, dated May 11, 1943, that Reich Kredit Gesellschaft is a national of a designated enemy country (Germany);

4. Finding that Gesellschaft fur Hypothekenankauf, Zurich, Switzerland, is a corporation organized under the laws of and doing business in Switzerland, with its principal place of business at Zurich, Switzerland, and is owned and controlled by International Mortgage & Investment Corporation;

5. Finding that Gesellschaft fur Hypothekenankauf, Berlin, Germany, is a corporation organized under the laws of and doing business in Germany, with its principal place of business at Berlin, Germany, and is controlled by International Mortgage & Investment Corporation and is a national of a designated enemy country (Germany);

6. Finding that Holpro Holding & Promoting Company, S. A., is a corporation organized under the laws of and doing business in Switzerland and is owned and controlled by Gesellschaft fur Hypothekenankauf, Zurich, and Gesellschaft fur Hypothekenankauf, Berlin;

7. Finding that Reich Kredit Gesellschaft has a claim against Pioneer Import Corp., which claim, as of August 31, 1942, aggregated \$183,451.08, subject, however, to any accruals or deductions subsequent thereto, and represents an interest in Pioneer Import Corp.;

8. Finding that Gesellschaft fur Hypothekenankauf, Zurich, and/or Holpro Holding & Promoting Company, S. A., have a claim against Pioneer Import Corp., which claim, as of August 31, 1942, aggregated \$193,158.51, plus interest, subject, however, to any accruals or deductions subsequent thereto, and is carried on the books in the name of Gesellschaft fur Hypothekenankauf and evidenced by notes payable to Holpro Holding & Promoting Company, S. A., and represents an interest in Pioneer Import Corp.;

and determining:

9. That Gesellschaft fur Hypothekenankauf, Zurich, is controlled by Hardy & Co., G. m. b. H., and is a national of a designated enemy country (Germany);

10. That Holpro Holding & Promoting Company, S. A., is controlled by Hardy & Co., G. m. b. H., and is a national of a designated enemy country (Germany);

11. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the interest of Reich Kredit Gesellschaft in Pioneer Import Corp., and the interest of Gesellschaft fur Hypothekenankauf, Zurich, and/or Holpro Holding & Promoting Company, S. A., in Pioneer Import Corp., hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 11, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-16792; Filed, October 15, 1943;
10:49 a. m.]

[Vesting Order 823, Amdt.]

JUSHIRO KIUCHI

Real property located in the City of Yonkers, County of Westchester and State of New York, owned by Jushiro Kiuchi.

Vesting Order No. 823, dated February 8, 1943 (8 F.R. 2793) is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Jushiro Kiuchi is Japan, and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Jushiro Kiuchi is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows: Real property situated in the City of Yonkers, County of Westchester, State of New York, particularly described in Exhibit A attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claim for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 11, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

All those certain lots, pieces or parcels of land situated, lying and being in the City of Yonkers, County of Westchester, State of New York, known and designated as lots numbers Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), of Plot number Thirty (30), on a certain map entitled "Map

of Colonial Heights, Section 'A,' made by George H. Rogers, Civil Engineer and Surveyor, Tuckahoe, New York, which map was filed in the Office of the Register of the County of Westchester on the 6th day of July 1907, as map number 1736.

Subject to covenants and restrictions of record.

Subject to agreements with Yonkers Electric Light and Power Co., and the New York Telephone Co., as set out in Liber 1837, CP 471, and in Liber 1949, CP 334.

[F. R. Doc. 43-16793; Filed October 15, 1943; 10:49 a. m.]

[Vesting Order 1505, Amdt.]

EMIL AUGUST VOIGT, ET AL.

Re: Real property and bank accounts owned by Emil August Voigt and others. Vesting Order Number 1505, dated May 21, 1943, (8 F.R. 8203) is hereby amended to read as follows:

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the persons whose names and last known addresses appear in Exhibit A attached hereto and by reference made a part hereof, are all residents of Germany and are nationals of a designated enemy country (Germany);

2. That the persons whose names appear in Exhibit A attached hereto and by reference made a part hereof, are the owners of the property described in subparagraphs 4-a, 4-b, 4-c and 4-f hereof;

3. That Charlotte Marie Stockhausen, one of the persons whose name appears in Exhibit A attached hereto and by reference made a part hereof, is the owner of the property described in subparagraphs 4-d and 4-e hereof;

4. That the property described as follows:

a. The undivided $\frac{1}{2}$ interest in certain real property situated in San Francisco, California, particularly described in Exhibit B attached hereto and by reference made a part hereof,

b. The undivided $\frac{1}{2}$ interest in certain real property situated in San Francisco, California, particularly described in Exhibit C attached hereto and by reference made a part hereof,

c. The undivided $\frac{1}{2}$ interest in certain real property situated in Kern County, California, particularly described in Exhibit D attached hereto and by reference made a part hereof,

d. The undivided $\frac{1}{2}$ interest in certain real property situated in Berkeley, California, particularly described in Exhibit E attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of the above described property,

e. All right, title, interest and claim of any name or nature whatsoever of Charlotte Marie Stockhausen in and to a certain savings account with The San Francisco Bank, West Portal Branch, West Portal Avenue and Ulloa Street, San Francisco, California, which is due and owing to, and held for and in the name of Charlotte Marie Stockhausen, including, but not limited to all security rights in and to any and all collateral for all or part of such obligation, and the right to enforce and collect such obligation,

f. All right, title, interest and claim of any name or nature whatsoever of the persons whose names appear in Exhibit A attached hereto and by reference made a part

hereof, and each of them, in and to an undivided $\frac{1}{2}$ interest in a certain Trustees Account with The San Francisco Bank, San Francisco, California, which is due and owing to, and held for the said persons, in the name of Christian Eduard Voigt, Trustee, including but not limited to all security rights in and to any and all collateral for all or part of such obligations and the right to enforce and collect such obligations;

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 4-e and 4-f hereof is necessary to maintain or safeguard other property (namely, that property described in subparagraphs 4-a to 4-d inclusive, hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

Hereby vests in the Alien Property Custodian the property described in subparagraphs 4-a to 4-d inclusive hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

Hereby vests in the Alien Property Custodian the property described in subparagraphs 4-e and 4-f hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all, of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 11, 1943.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

EXHIBIT A

Names and Last Known Addresses

Emil August Voigt, 4 Leutzow Street, Braunschweig, Germany.

Ernst Wilhelm Voigt, 7 Park Street, Hannover, Germany.

Theodor Wilhelm Voigt, 21 Merkel Street, Goettingen, Germany.

Wilhelm Johann Voigt, 1 Jager Street, Hannover, Germany.

Charlotte Marie Stockhausen, 1 Jager Street, Hannover, Germany.

EXHIBIT B

All that lot or parcel of land, situated in the City of San Francisco, State of California, particularly described as follows:

Commencing at a point on the southeasterly line of Market Street distant thereon 140 feet northeasterly from the northeasterly line of 2nd Street, running thence northeasterly and along said line of Market Street 50 feet; thence at a right angle southeasterly 155 feet to the northwesterly line of Stevenson Street; thence at a right angle southwesterly along said line of Stevenson Street 50 feet; thence at a right angle northwesterly 155 feet to the point of commencement. Being part of 100 Vara Lot No. 21 in Block No. 346.

EXHIBIT C

All that lot or parcel of land, in the City of San Francisco, State of California, being partially submerged Tide Lands, particularly described as follows:

Commencing at the point of intersection of the southwesterly line of Carroll Avenue and the northwesterly line of Tevis Street; running thence northwesterly and along said line of Carroll Avenue 600 feet to the southeasterly line of Dock Street; thence at a right angle southwesterly along said line of Dock Street 200 feet to the northeasterly line of Donner Avenue; thence at a right angle southeasterly along said line of Donner Avenue 600 feet to the northwesterly line of Tevis Street; thence at a right angle northeasterly along said line of Tevis Street 200 feet to the point of commencement. Being Block No. 815 Salt Marsh and Tide Lands.

EXHIBIT D

All that tract or parcel of land, consisting of two thousand five hundred and sixty (2,560) acres of land, situated in the County of Kern, State of California, particularly described as follows:

All of Section 4; E $\frac{1}{2}$ and NW $\frac{1}{4}$ of Section 5; and NE $\frac{1}{4}$ of Section 6, all in Township 28 South, Range 20 East, Mount Diablo Base and Meridian, in the County of Kern, State of California; and

All of Sections 32 and 33 in Township 27 South, Range 20 East, Mount Diablo Base and Meridian, in the County of Kern, State of California.

EXHIBIT E

All that lot or parcel of land situated in the City of Berkeley, State of California, particularly described as follows:

Beginning at a point on the easterly line of Hillegass Avenue, distant thereon southerly 350 feet from the intersection thereof with the southerly line of Stuart Street, as said avenue and street are shown on the map hereinafter referred to; running thence southerly along said line of Hillegass Avenue 50 feet; thence easterly parallel with said line of Stuart Street 148 feet; thence northerly parallel with said line of Hillegass Avenue 50 feet; thence westerly parallel with said line of Stuart Street 148 feet, to the point of beginning. Being Lot No. 15 in Block letter "I", as said lot and block are delineated and so designated upon that certain map entitled, "The Berry-Bangs Tract, Map No. 2",

etc., filed April 3, 1903, in Liber 19 of Maps, page 5 in the office of the County Recorder of the said County of Alameda.

[F. R. Doc. 43-16794; Filed, October 15, 1943; 10:49 a. m.]

[Vesting Order 2016, Amdt.]

ESTATE OF WILHELMINE SCHNEIDER

In re: Estate of Wilhelmine Schneider, also known as Wilhelmina Schneider, deceased; File No. D-38-1671; E. T. sec. 4958.

Whereas, in Vesting Order Number 2016 (8 F.R. 11825) the undersigned stated that the Executrix is acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

Whereas, the name of said New York County was inserted in said Vesting Order inadvertently and through clerical error; and

Whereas, the said Executrix is, in fact, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of New York;

Now, therefore, Vesting Order Number 2016 is hereby amended as follows and not otherwise:

By deleting "New York County" in the fifth line of subparagraph (1) of said Vesting Order and by inserting in place and in lieu thereof "Bronx County".

All other provisions of said Vesting Order Number 2016 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on October 12, 1943.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 43-16795; Filed, October 15, 1943; 10:49 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Administrative Exception Order 7 Under RO 13]

FROSTED FOOD SALES CORP. AND FRIENDS BROTHERS, INC.

The Frosted Food Sales Corporation of 250 Park Avenue, New York, New York, is a processor engaged in producing frozen beans. In the course of its business, it acquires rationed commodities such as dry beans and other rationed foods. As part of the process used in the production of frozen beans, it is necessary to prepare the dry beans with other ingredients. The Frosted Food Sales Corporation does not have the necessary equipment to do this, and it had been engaging the Friends Brothers, Incorporated, of Melrose, Massachusetts, an industrial user, to prepare the beans. The Friends Brothers, Incorporated, after preparing the food had been sending the prepared beans back to the Frosted Food Sales Corporation where they were frozen. The operation performed by the Friends Brothers, Incorporated, was an industrial use which did not disturb the normal distribution

of processed foods, since they returned to the Frosted Food Sales Corporation all the unrationed prepared beans from which the Frosted Food Sales Corporation produced the rationed frozen beans. Under the rationing program, the Friends Brothers, Incorporated, is issued a specific allotment for industrial use based on its use for 1942. This allotment does not reflect any use in connection with the operation which the Friends Brothers, Incorporated, performs for the Frosted Food Sales Corporation. The Frosted Food Sales Corporation requests authority to transfer point-free and the Friends Brothers, Incorporated, requests authority to acquire point-free and prepare the dry beans and other necessary ingredients required for this pre-freezing preparation.

The granting of the request in this and all similar cases would not defeat or impair the effectiveness or the policy of the ration order because it would increase rather than decrease the quantity of processed foods flowing into civilian supply.

It is hereby ordered, That the Frosted Food Sales Corporation may transfer point-free to the Friends Brothers, Incorporated, and the Friends Brothers, Incorporated, may acquire point-free and prepare the dry beans and the other necessary rationed ingredients, from which the Frosted Food Sales Corporation will produce frozen beans. This authority shall in no way be deemed to increase the industrial user allotment issued to Friends Brothers, Incorporated, by the Office of Price Administration nor shall the Friends Brothers', Incorporated, use of the dry beans under this authority be charged against its allotment.

The Frosted Food Sales Corporation shall notify the District Office for the place where its principal business office is located on the 10th day of each month of the total amount of dry beans and other rationed ingredients it has transferred to the Friends Brothers, Incorporated, for the preceding month. At the same time, the Friends Brothers, Incorporated, shall notify the aforementioned District Office of the amount of prepared beans it has returned to the Frosted Food Sales Corporation for freezing during the preceding month and of the amount of dry beans and the amount of each of the other ingredients it has used in the preparation of the beans for the Frosted Food Sales Corporation.

It is further ordered, That any other processor similarly situated may be authorized on similar conditions to transfer and any other industrial user similarly situated may be authorized on similar conditions to acquire and use point-free dry beans and the other necessary ingredients required for a pre-freezing preparation of beans to be frozen by the aforementioned processor. Such authority may be granted in writing by the Director of the Food Rationing Division, Office of Price Administration, Washington, D. C.

This order shall become effective October 14, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th

Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 7, F.R. 562, Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005, and Food Directive 5, 8 F.R. 2251)

Issued this 14th day of October 1943.

PAUL M. O'LEARY,
Deputy Administrator.

[F. R. Doc. 43-16785; Filed, October 14, 1943; 3:56 p. m.]

Regional and District Office Orders.

[Region I Order G-15 Under Rev. MPR 122]

SPECIFIED SOLID FUELS IN MANCHESTER, N. H., AREA No. 4

Order No. G-15 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers.

Specified solid fuels—Manchester, New Hampshire Area.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, it is hereby ordered:

(a) Maximum prices established by this order. The maximum prices established by §§ 1340.252, 1340.254, 1340.256, 1340.257 and 1340.265 of Revised Maximum Price Regulation No. 122 for sales of specified kinds of solid fuels in the Manchester, New Hampshire Area by dealers, and for specified services rendered by dealers in connection with the sale or handling of said specified solid fuels, are hereby modified, so that the maximum prices therefor shall be the prices hereinafter set forth. Maximum prices are established for (1) sales of various quantities of the specified solid fuels to various classes of purchasers under various conditions of delivery; and (2) charges which may be made, in addition to such maximum prices for the specified solid fuels, for specified services. The geographical applicability of this Order G-15 is explained in paragraph (f) and the terms used herein are defined in paragraph (g).

Except as otherwise specifically provided herein, the provisions of Revised Maximum Price Regulation No. 122 apply to all transactions which are the subject of this Order G-15. Specifically, but without limiting the generality of the foregoing, the prohibitions contained in § 1340.252 apply except to the extent that this Order G-15 provides uniform allowances, discounts, price differentials, service charges, and so forth.

Nothing contained in this order shall be so construed as to permit non-compliance with any statutes of the State of New Hampshire, or any rules or regulations promulgated under any such statutes, concerning sales or deliveries of solid fuels.

(b) Price Schedule I—Sales on a delivered basis. (1) Price Schedule I sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered to consumers at any point in the Manchester, New Hampshire Area.

Kind and size	Per net ton	¾ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove & chestnut	\$17.05	\$9.05	\$4.55	\$0.95
Pea	15.50	8.25	4.15	.85
Buckwheat	13.45	7.25	3.65	.75
Rice	11.95	6.50	3.25	.65
Yard screenings	4.07			
Coke:				
Egg, stove and chestnut	15.50	8.25	4.15	.85
Pea	13.50	7.25	3.65	.75
Ambricoal	15.55	8.30	4.15	.85

(2) *Terms of sale.* If payment is made by the buyer within ten days after receipt of the fuel, the maximum prices set forth above shall (except in the case of Pennsylvania Anthracite Yard Screenings) be reduced as follows:

Pennsylvania anthracite and ambricoal	\$1.00 per ton. 50¢ per half-ton. 25¢ per quarter-ton.
Coke	50¢ per ton. 25¢ per half-ton. 15¢ per quarter-ton.

which reductions are "cash discounts". No further discount is required for cash on delivery, and no "cash discount" is required on sales of less than a quarter-ton or on sales of any quantity of yard screenings. If payment is not required or made at the time of delivery or (except in the case of less than quarter-ton lots and the case of yard screenings) within ten days thereafter, terms shall be net 30 days.

(3) *Maximum authorized service and deposit charges.* (a) No additional charge shall be made for any carrying or wheeling which may be necessary to effect delivery into consumer's bin or storage space, except for carries up or down flights of stairs of quarter-ton and larger quantities.

(b) If the buyer requests such services of him, the dealer may make the following charges for any carry up or down flights of stairs:

	Per net ton	¾ ton	¼ ton
	Cents 50	Cents 25	Cents 15
Maximum charge per flight			

If delivery cannot be made into consumer's bin or storage space without a carry up or down one or more flights of stairs, and the buyer does not request such carry service, the prices established hereby shall apply when the fuel is delivered to the available point nearest and most accessible to the flight of stairs which must be used to gain access to the bin or storage space.

(c) If the buyer requests that fuel delivered in burlap bags or canvas carrying bags furnished by the dealer be left in the bags, the maximum amounts which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, the bags shall be as follows:

Per burlap bag	\$0.25
Per canvas carrying bag	1.50

(c) *Price Schedule II—Yard sales to consumers.* (1) Price Schedule II sets forth maximum prices for sales of speci-

fied kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Manchester, New Hampshire Area to consumers.

Kind and size	Per net ton	¾ ton	¼ ton	100 lbs.
Pennsylvania anthracite:				
Broken, egg, stove and chestnut	\$15.05	\$7.55	\$3.80	\$0.80
Pea	13.50	6.75	3.40	.70
Buckwheat	11.45	5.75	2.90	.60
Rice	9.95	5.00	2.50	.55
Coke:				
Egg, stove and chestnut	14.00	7.00	3.50	.75
Pea	12.00	6.00	3.00	.65
Ambricoal	13.55	6.80	3.40	.75

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E.O.M.

(3) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged, but do not include the bag. If the buyer requests such service of him, the dealer may make the following charges for bagging tons, one-half tons and one-quarter tons:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amounts which may be required by the dealer as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags or canvas carrying bags furnished by the dealer shall be as follows:

Per burlap bag	\$0.25
Per canvas carrying bag	1.50

(d) *Price Schedule III—Yard sales to dealers.* (1) Price Schedule III sets forth maximum prices for sales of specified kinds, sizes and quantities of solid fuels delivered at the yard of any dealer in the Manchester, New Hampshire Area to dealers in fuels who resell them.

Kind and size	Per net ton	¾ ton	¼ ton
Pennsylvania anthracite:			
Broken, egg, stove and chestnut	\$14.55	\$7.30	\$3.65
Pea	13.00	6.50	3.25
Buckwheat	10.95	5.50	2.75
Rice	9.45	4.75	2.40
Coke:			
Egg, stove and chestnut	13.50	6.75	3.40
Pea	11.50	5.75	2.90
Ambricoal	13.05	6.55	3.30

(2) *Terms of sale.* Terms of sale may be net cash, but no additional charge shall be made for the extension of credit terms of net 30 days or net 10 days E. O. M.

(3) *Maximum authorized bagging and deposit charges.* (a) The maximum prices per 100 pounds are for 100 pounds bagged but do not include the bag. If the buyer requests such service of him, the seller may make the following charges for bagging tons, one-half tons and one-quarter tons:

	Cents
Per ton	50
Per half-ton	25
Per quarter-ton	15

(b) The maximum amounts which may be required by the seller as a deposit on, or as predetermined liquidated damages for failure to return, burlap bags or canvas carrying bags furnished by the seller shall be as follows:

Per burlap bag	\$0.25
Per canvas carrying bag	1.50

(e) *Transportation tax.* Any dealer subject to this order may collect, in addition to the specified maximum prices established herein, provided he states it separately, the amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by him, or an amount equal to the amount of such tax paid by any of his prior suppliers and separately stated and collected from the dealer by his supplier: *Provided, however,* That no part of that tax may be collected in addition to the maximum price on sales of lesser quantities than one-quarter ton.

(f) *Geographical applicability.* The maximum prices established by this order for "yard sales" shall apply to all such sales of the specified solid fuels at a yard located in the Manchester, New Hampshire Area, regardless of the ultimate destination of the fuel. The maximum prices established by this order for sales on a delivered basis shall apply to all such sales of the specified solid fuels to purchasers who receive delivery of the fuel within the Manchester, New Hampshire Area, regardless of whether the dealer is located within said area.

(g) *Definitions.* When used in Order G-15, the term:

(1) "Manchester, New Hampshire Area" shall include the following cities and towns in the State of New Hampshire: Auburn, Bedford, Candia, Goffstown, Hooksett, Londonderry and Manchester.

(2) "Specified solid fuels" shall include all Pennsylvania Anthracite, Ambricoal and Coke.

(3) "Pennsylvania anthracite" means coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(4) "Broken", "egg", "stove", "chestnut", etc., sizes of Pennsylvania anthracite refer to the sizes of such coal prepared at the mine in accordance with standard sizing specifications adopted by the Anthracite Emergency Committee, effective December 15, 1941.

(5) "Ambricoal" means anthracite briquettes manufactured by American Briquet Company at its plant at Lykens, Pennsylvania, and marketed under that trade name.

(6) "Dealer" means any person selling solid fuel except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(7) "Carry" and "wheel" refer to the movement of fuel to buyer's bin or storage space by wheelbarrow, barrel, bag, sack or otherwise from the dealer's truck or wagon, or from the point of discharge therefrom, to buyer's bin or storage space.

(8) "Yard sales" shall mean deliveries made by the dealer in his customary manner at his yard.

(10) Except as otherwise specifically provided, and unless the context otherwise requires, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(h) *Lower prices permitted.* Lower prices than those set forth herein may be charged, paid or offered.

(i) *Posting of maximum prices; sales slips and receipts.* (1) Every dealer subject to this Order No. G-15 shall post all of the maximum prices established hereby which apply to the types of sales made by him in his place of business in a manner plainly visible to and understandable by the purchasing public, and shall keep a copy of this Order No. G-15 available for examination by any person during ordinary business hours. In the case of a dealer who sells directly to consumers from a truck or wagon, the posting shall be done on the truck or wagon. The prices established hereby need not be reported under § 1340.262 (c) of Revised Maximum Price Regulation No. 122.

(2) Every dealer selling solid fuel for sales of which a maximum price is set by this Order G-15 shall give to each purchaser an invoice or similar document showing (i) the date of the sale or delivery, the name and address of the dealer and of the buyer, the kind, size and quantity of the solid fuel sold, and the price charged; and (ii) separately stating any special services rendered and deposit charges made and the amount charged therefor. This paragraph (b) (2) shall not apply to sales of quantities of less than one-quarter ton unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size and quantity of the solid fuel sold to him or the price charged, the dealer shall comply with the buyer's request as made by him.

(j) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed in the Boston Regional Office of the Office of Price Administration. No appeals from a denial in whole or in part of such petition by the Regional Administrator may be made to the Price Administrator.

This order may be revoked, amended or corrected at any time.

This Order No. G-15 shall become effective October 22, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of October 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-16758; Filed, October 14, 1943; 11:39 a. m.]

No. 206—5

[Region I Order G-1 Under MPR 329, Amdt. 2]

FLUID MILK IN CONNECTICUT

Amendment No. 2 to Order No. G-1 under § 1351.408 of Maximum Price Regulation No. 329.

Purchases of fluid milk from producers for resale as fluid milk. Fluid milk purchased from producers by dealers in the State of Connecticut.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1351.408 of Maximum Price Regulation No. 329, it is hereby ordered that subparagraph (3) of paragraph (a) is amended to read as follows:

(a) * * *

(3) Connecticut Milk Marketing Area Number III—(as defined in Connecticut Price Order Number III, as amended)—\$4.02 per cwt.

This amendment shall become effective October 10, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Grade	Quantity	Retail delivery	Retail at stores	Wholesale to users	Wholesale to dealers
"A"	Quart containers.....	\$0.18½	\$0.17½	\$0.15½	\$0.13½
"A"	Pint containers.....	.10¾	.09¾	.08¾	.14½ per qt.
"A"	10-oz. containers.....			.06¾	.14½ per qt.
"A"	8-oz. containers.....			.04¾	.14½ per qt.
"A"	Bulk, per quart.....	.15½		.13½	
"B"	Quart containers.....	.15½	.14½	.12½	.10½
"B"	Pint containers.....	.09¾	.08¾	.06¾	.11½ per qt.
"B"	10-oz. containers.....			.05¾	.11½ per qt.
"B"	8-oz. containers.....			.03¾	.11½ per qt.
"B"	Bulk, per quart.....	.12½		.11½	

This amendment shall become effective October 10, 1943, at 12:01 a. m.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of October 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-16787; Filed, October 14, 1943; 4:01 p. m.]

[Region II Order G-14 Under Rev. MPR 122]

SOLID FUELS IN RICHMOND COUNTY, N. Y.

Order No. G-14 under §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Solid fuels sold and delivered by dealers. Pennsylvania anthracite delivered by dealers in Richmond County, (Borough of Richmond, City of New York) State of New York Coal area II.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, It is ordered:

(a) *What this order does—(1) Dealers' maximum prices; area covered.* If you are a dealer in "Pennsylvania anthracite", this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and

Issued this ninth day of October 1943.

K. B. BACKMAN,
Regional Administrator.

[F. R. Doc. 43-16786; Filed, October 14, 1943; 4:01 p. m.]

[Region I Order G-10 Under 18 (c) and MPR 280, Amdt. 4]

FLUID MILK IN CONNECTICUT MARKETING AREA NUMBER III

Amendment No. 4 to Region I Order G-10 under section 18 (c) of the General Maximum Price Regulation and § 1351.807 of Maximum Price Regulation 280.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 and by § 1351.807 of Maximum Price Regulation No. 280, it is hereby ordered that section (1) be amended by striking out the table of prices therein and substituting therefor the following:

quantities of "Pennsylvania anthracite" (hereinafter called simply "anthracite") delivered to or at any point in State of New York—Coal Area II. Coal Area II comprises all of Richmond County in the City and State of New York.

(2) *Schedules of prices, charges and discounts.* The applicable prices, authorized charges, and required discounts, from which you shall determine the maximum prices for designated sizes and quantities of anthracite delivered within Coal Area II, are set forth in Schedules I, II and III hereafter.

(3) *To what sales this order applies.* If you are a dealer in anthracite, you are bound by the prices, charges and discounts, and by all other provisions of this order for all deliveries within Coal Area II, whether or not you are located in Coal Area II.

(b) *What this order prohibits.* Regardless of any contract or other obligations, you shall not:

(1) Sell or, in the course of trade or business, buy anthracite of the sizes and in the quantities set forth in the schedules herein, at prices higher than the maximum prices computed as set forth in Paragraph (c) of this order, although you may charge, pay, or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by:

(i) Changing the discounts authorized herein, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service set forth in Schedule I higher than the schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by any agency of the United States Government.

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices.* You must figure your maximum price as follows:

(1) Use the schedule which covers your sale. (Schedule I applies to "direct-delivery" sales of anthracite. You will find Schedule I in paragraph (d). Schedule II applies to "yard sales". You will find Schedule II in paragraph (e). Schedule III applies to sales of bagged coal in 50 lb., 25 lb. and 12 lb. paper bags. You will find Schedule III in paragraph (f).)

(2) Take the dollars-and-cents figure given in the applicable schedule for the size and quantity you are selling.

(3) Deduct from this figure the amount of the discount which you are required to give as specified in the schedule. If the schedule makes no reference to any discount, you need give no discount. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for sales under Schedule I.

(5) If you deliver a fraction of a net ton, even if less than one-half ton, and the applicable schedule provides a discount on the basis of one ton or one-half ton, you shall allow a proportionate discount, making your calculation to the nearest full cent. For example, if you are required to deduct 50¢ per ton for cash payment, you shall deduct 38¢ for three-quarters of a ton and 13¢ for one-quarters of a ton.

(6) If you deliver a fraction of a net ton, but not less than one-half ton, and the applicable schedule provides a service charge on the basis of one ton, you shall add no more than a proportionate service charge, making your calculation to the nearest full cent. For example, if the transaction permits a service charge of 50¢ per ton, you shall not add more than 38¢ for performance of that service in connection with the delivery of three-quarters of a ton.

(d) *Schedule I: Sales on a direct-delivery basis.* Schedule I establishes maximum prices for certain sizes of anthracite in certain specific quantities, delivered to or at any point within Coal Area II.

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

Size	Per net ton	Per net ½ ton	Per 100 lbs. for sales of 100 lbs. or more but less than ½ ton
Broken, egg, stove, nut	\$13.55	\$7.05	\$0.80
Pea	12.00	6.25	.70
Buckwheat	9.70	5.10	.65
Rice	8.70	4.60	
Barley	7.70	4.10	
Screenings "A"	5.50	2.75	
Screenings "B"	2.80	1.40	

¹ See definition in par. (r) (5).

Required discounts. You shall deduct from the prices set forth above in this schedule, on sales and deliveries of all sizes except screenings, a discount of 50¢ per net ton and 25¢ per net ½ ton, where payment is made within ten days after delivery. Nothing in this subparagraph requires you to sell on other than a cash basis.

In addition, you shall deduct a discount of 50¢ per net ton, on sales and deliveries of broken, egg, stove, nut and pea sizes, and a discount of 25¢ per net ton on sales and deliveries of buckwheat, rice, and barley sizes, to consumers purchasing from one dealer, for delivery at one point, a quantity of 50 tons or more, within a period of twelve months.

You shall not break up a single order in an attempt to avoid this discount.

You must grant this discount whether the purchaser has received 50 tons or more pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual purchase of 50 tons or more for delivery at one point.

You must deduct this discount at or before the delivery of the fiftieth ton and continue to grant the discount on every subsequent delivery during the same twelve-month period.

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser: Carrying upstairs (except for sales in 50 lb. bags or 100 lb. lots, amounting to less than one-half ton).

Maximum authorized charges: 5¢ per net ton for each two steps or fraction thereof above the fifth step. No charge is permitted for the first five steps.

(e) *Schedule II: Yard sales.* Schedule II establishes maximum prices for certain sizes of anthracite sold at the dealer's "yard" to dealers or consumers.

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

Size	To dealers, per net ton for sales of ½ ton or more	To consumers	
		Per net ton for sales of ½ ton or more	Per 100 lbs. for 100 lbs. or more but less than ½ ton
Broken, Egg, Stove, Nut	\$11.05	\$12.05	\$0.70
Pea	9.50	10.50	.60
Buckwheat	7.70	8.20	.55
Rice	6.70	7.20	
Barley	5.70		
Screenings "A"	4.45		
Screenings "B"	1.75		

¹ See definition in par. (r) (5).

(f) *Schedule III: Sales of bagged coal.* Schedule III establishes maximum prices for sales to dealers and to consumers of certain sizes of anthracite in 50 lb., 25 lb., and 12 lb. paper bags.

MAXIMUM PRICE PER 50 LB. PAPER BAG

Size	Delivered at dealer's yard	Delivered to retail stores	Sales to ultimate consumer
Nut	\$0.36	\$0.40	\$0.50

MAXIMUM PRICE PER 25 LB. PAPER BAG

Nut	\$0.18	\$0.20	\$0.25
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MAXIMUM PRICE PER 12 LB. PAPER BAG

Nut	\$0.09	\$0.10	\$0.12
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(g) *Commingling.* If one size of anthracite is sold commingled with another size of anthracite, the maximum price for the combination shall be the maximum price or, in the case of bagged coal, on the smallest of the sizes so commingled, whether the sale be a "delivered sale", "yard sale", or a "sale of bagged coal", except in the following situation: Where a purchaser requests that two or more sizes of anthracite be commingled in one delivery, then, and in that event, if these sizes are separately weighed at the point of loading, or when bagged, the dealer may commingle those sizes in the truck or other vehicle, or in the bags, in which the delivery is made. The price for anthracite so commingled shall be calculated on the basis of the applicable per net ton price or, in the case of bagged coal, on the basis of the applicable bagged price, for each size in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size in the combination.

(h) *Ex Parte 148 Freight Rate Increase.* Since the Ex Parte 148 Freight Rate Increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(i) *Addition of increase in suppliers' maximum prices prohibited.* You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increase to you in your supplier's maximum price for the same fuel. The specific maximum prices already reflect increases to you in your supplier's maximum prices occurring up to the effective date of this order. If increases in your supplier's maximum prices should occur after such date, as the result of any amendment to or revision of a maximum price regulation issued by the Office of Price Administration governing sales and deliveries made by such suppliers, the Regional Administrator will, if he then deems it to be warranted, take appropriate action to amend this order to reflect such increases.

(j) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or an amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. You may also collect, provided you state it separately, the amount of the New York City Sales Tax payable by you.

(k) *Adjustable pricing.* You may not make a price adjustable to a maximum price which will be in effect at some time after delivery of the anthracite has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(l) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

(m) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke or rescind this order, or any provision thereof, at any time.

(n) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing and registration provisions of Licensing Order 1 and section 15 of the General Maximum Price Regulation. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license, but under the regulation section (section 15 of the General Maximum Price Regulation) you may later be required to register. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(o) *Records.* If you are a dealer subject to this order, you shall preserve, keep, and make available for examina-

tion by the Office of Price Administration, the same records you were required to preserve and keep under § 1340.262 (a) and (b) of Revised Maximum Price Regulation No. 122.

(p) *Posting of maximum prices; sales slips and receipts.* (1) If you are a dealer subject to this order, you shall post all your maximum prices (as set forth in the applicable schedule or schedules of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of the anthracite sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from, and the authorized service charges and the taxes, which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser or if, during December 1941, you customarily gave purchasers such sales slips or receipts.

(q) *Enforcement.* (1) Persons violating any provisions of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the New York District Office of the Office of Price Administration.

(r) *Definitions and explanations.* When used in this Order No. G-14, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency or any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase" and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling anthracite of the sizes set forth in the schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Pennsylvania anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the Commonwealth of Pennsylvania.

(5) The sizes of Pennsylvania anthracite described as broken, egg, stove, nut, pea, buckwheat, rice, barley and screenings shall refer to such sizes of anthra-

cite as they were sold and designated in the State of New York—Coal Area II, during December, 1941.

"Screenings A" are screenings derived from the primary or initial screening of egg, stove, nut, pea, and buckwheat sizes of anthracite before any of these sizes have been reclaimed from screenings.

"Screenings B" are the resultant screenings after buckwheat and larger sizes of anthracite have been reclaimed from "Screenings A".

(6) "Direct delivery," in all situations except those involving "carrying upstairs" more than five steps, shall mean delivery to the buyer's bin or storage space. Where delivery involves "carrying upstairs" more than five steps, and each carrying service has not been requested by the purchaser, "direct delivery" means discharging the coal at the point nearest and most accessible to the buyer's bin or storage space and at which the coal can be discharged directly from the seller's truck. "Direct delivery" in 100 lb. lots shall mean depositing in buyer's bin or other storage space designated by buyer.

(7) "Carrying upstairs" refers to the movement of coal to buyer's bin or storage space in baskets or other containers, from seller's truck or vehicle, or from the point nearest and most accessible to the buyer's bin or storage space at which the coal is discharged from seller's truck in the course of "direct delivery."

(8) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car, or at a place of business of the seller other than at seller's truck or vehicle.

(9) "Delivered at dealer's yard" as applied to sales of bagged coal in 50 lb., 25 lb., and 12 lb. paper bags, means physical transfer at the dealer's yard to the purchaser's truck or other vehicle.

(10) "Delivered to retail stores" as applied to sales of bagged coal in 50 lb., 25 lb., or 12 lb. bags, means deposit in that part of the store designated by the purchaser.

(11) "Sales to ultimate consumers" as applied to bagged coal in 50 lb., 25 lb., or 12 lb. bags, means sales by dealers other than sales at the dealer's yard, whether or not delivered to the consumer's premises.

(s) *Effect of order on Revised Maximum Price Regulation No. 122.* To the extent applicable this order supersedes Revised Maximum Price Regulation No. 122.

This order has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Order No. G-14 shall become effective October 18th, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of October 1943.

SYLVAN L. JOSEPH,
Regional Administrator.

[F. R. Doc. 43-16788; Filed, October 14, 1943; 4:00 p. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOKING AND STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below, revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Location of project	Issuance date
P-19-h.....	37671	Gulf Oil Corporation, Pittsburgh, Pa....	Somerville, Middlesex County, Mass....	10/5/43
P-19-h.....	40808	The California Co., New Orleans, La....	Delta Farms Oil Field, Lafourche Parish, La.	10/6/43

[F. R. Doc. 43-16770; Filed, October 14, 1943; 12:45 p. m.]

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF STOP CONSTRUCTION ORDERS STOPPING CONSTRUCTION OF CERTAIN PROJECTS

The War Production Board has issued certain stop construction orders listed in Schedule A below, stopping the construction of the projects affected. For the effect of each such order upon the construction of the project and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Name and address of the builder: Leonard Pipe Line Company, Dusenbery Block, Mount Pleasant, Michigan.

Location of project: Fork Township, Mesosta County and Aetna Township, Missaukee County, Michigan.

Issuance date: 10/11/43.

[F. R. Doc. 43-16771; Filed, October 14, 1943; 12:45 p. m.]





